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PATENTING MINING CLAIMS AND MILL SITES IN CALIFORNIA

2nd Edition

U. S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

California State Office
Sacramento, California

Special Publication
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As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has major responsibility for American Indian reservation communities and for people who live in island Territories under U. S. administration.

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PATENTING MINING CLAIMS
AND
MILL SITES IN CALIFORNIA

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PATENTING MINING CLAIMS AND MILL SITES IN CALIFORNIA

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U. S. Department of the Interior

March 3, 1849

Bureau of Land Management
California State Office
Sacramento, California

PREFACE

This book is a must for miners who are serious about patenting their mining claims or mill sites. Mining lawyers and mineral surveyors will also find this book useful. Our first edition was very popular and sold out quickly.

The second edition includes new U. S. Forest Service common variety regulations, updated forms in regard to mineral surveys, posting a Notice of Intent, and an updated list of mineral surveyors. Also included is a brief discussion of our requirements regarding reclamation and environmental evaluations, and the updated Federal Code of Regulations regarding patent applications and adverse claims.

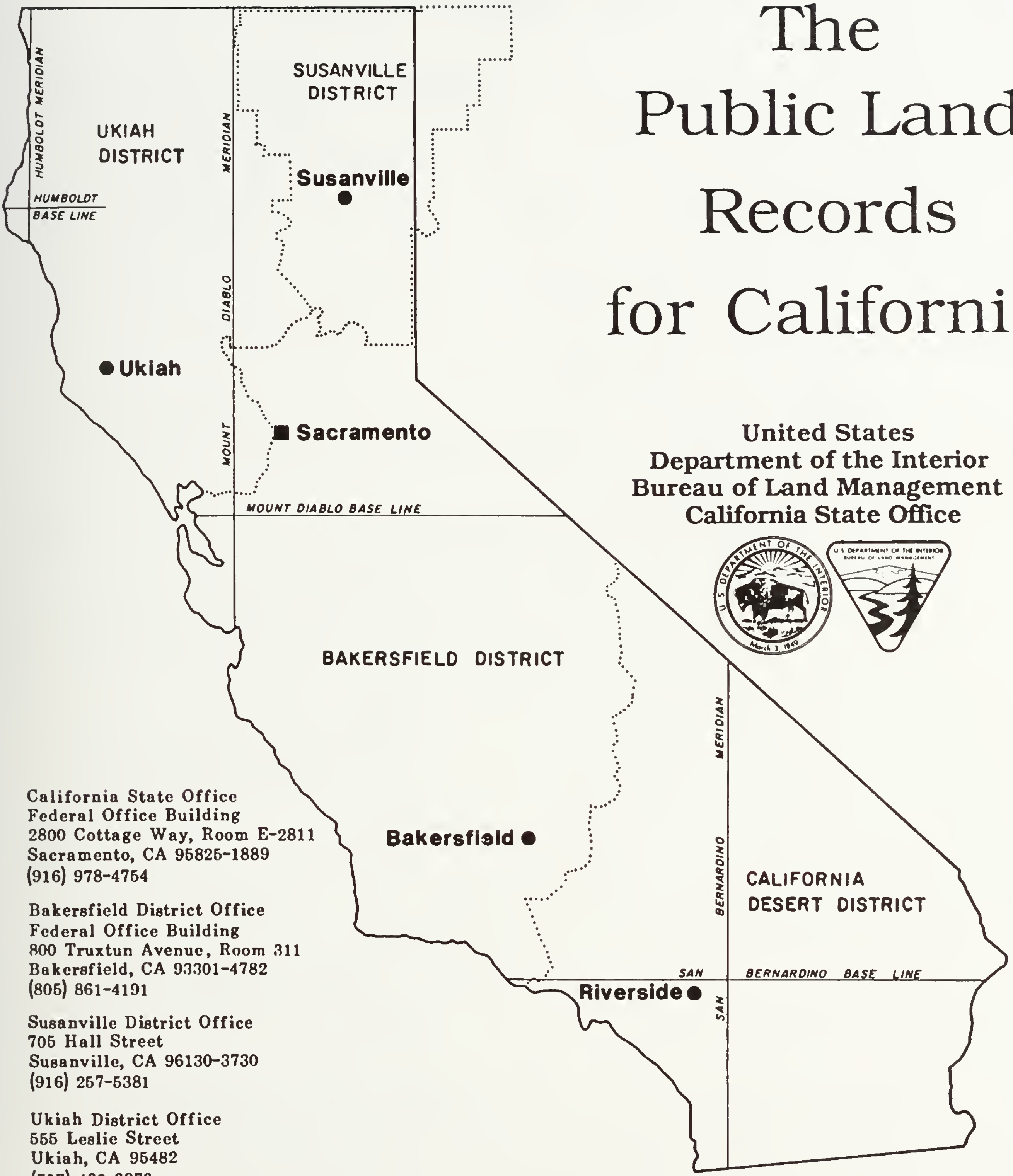
We recognize that very few miners have the familiarity of using and interpreting the many Federal regulatory requirements for patenting a claim or mill site. So, we have provided you a sequential approach and specific quidance on the preparation of your patent application in California. It incorporates and reflects many years of processing patent applications by experienced BLM professionals.

Basically, the book tells you what BLM expects of you and what you should expect of BLM in the patenting process.

Robert M. Anderson

Robert M. Anderson
Deputy State Director
Mineral Resources
1991

The Public Land Records for California



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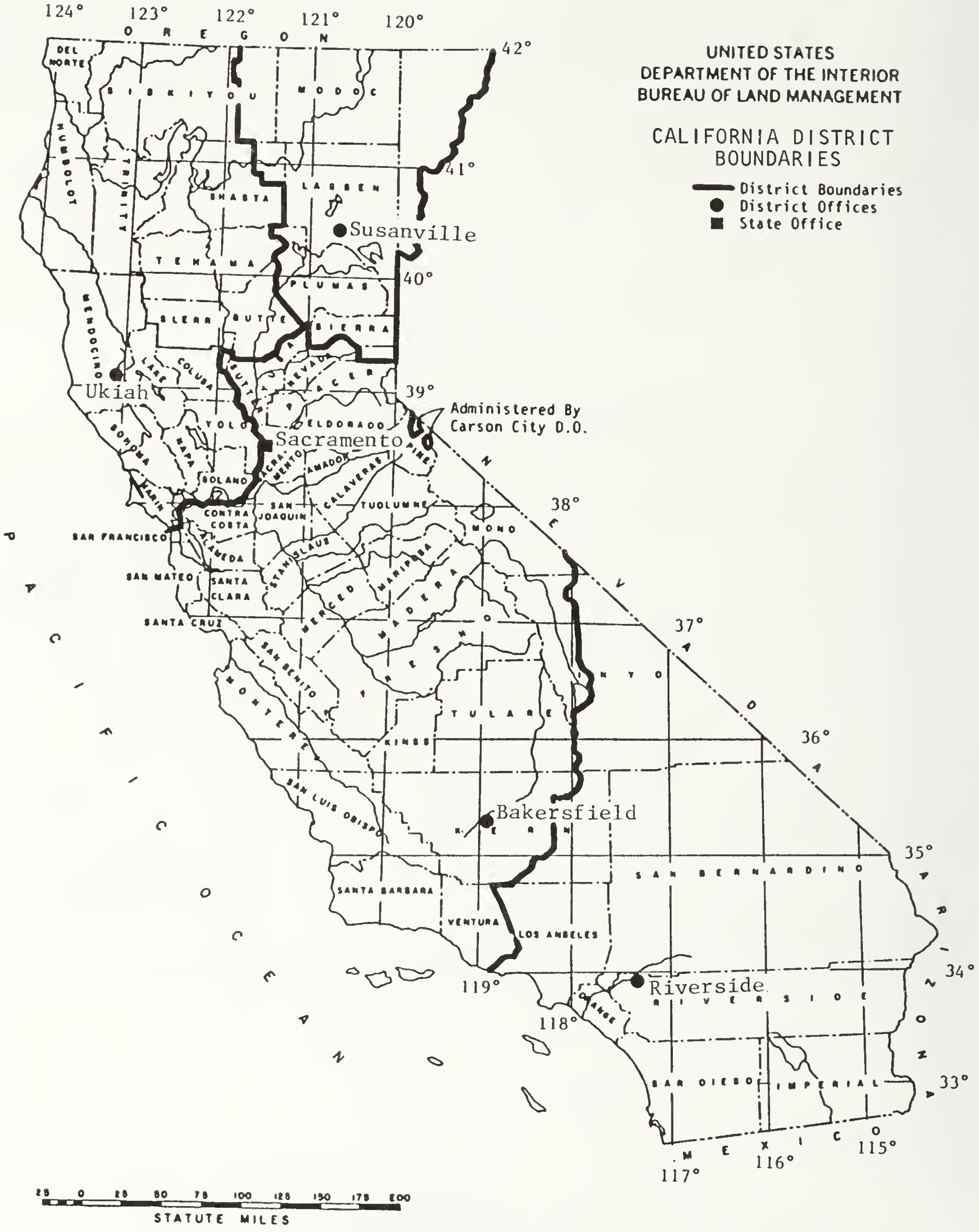

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660 Bercut Drive
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U.S. Geological Survey (over the counter sales only; see Note below)

USGS Public Inquiries Office
Customs House, Rm. 504
555 Battery Street
San Francisco, CA 94111
(415) 556-5627

USGS Public Inquiries Office
345 Middlefield Road, MS 33
Menlo Park, CA 94025
(415)329-4390

Bureau of Mines

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NOTE:

Aerial Photographs (vertical black and white photographs of varying scale)

U.S. Geological Survey 9 x 9 semi-gloss contact prints, where available, can be ordered from:

NCIC-W, USGS
345 Middlefield Road, MS 32
Menlo Park, CA 94025
(415)328-4309

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INTRODUCTION

Mining claims may be patented if certain requirements are met. A patent is a document which conveys fee title. In the case of mining claims it usually conveys title to the surface as well as the minerals. Two basic requirements for patenting are that $500 worth of improvements have been made for the benefit of each claim, and that a discovery exists on each claim. The patenting process can be complex, expensive and lengthy. If you are considering applying for a patent read this book carefully, and if possible visit the California State Office of the Bureau of Land Management (BLM) in Sacramento where you can view case files for claims that have been patented, and talk to knowledgeable personnel. This visit can give you an idea of completed and approved information and documentation on patented claims. Mill sites may also be patented, however, their validity depends largely on their nonmineral in character nature and their proper use. Tunnel sites cannot be patented.

Some of the more important requirements regarding the patenting of mining claims are addressed in Title 43 of the Code of Federal Regulations, Sections 3860 and 3870 (43 CFR 3860 and 3870). See Table 1 below.

Table T-1. Index to 43 CFR Parts 3860 and 3870.
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CONCEPT OF DISCOVERY FOR MINING CLAIMS

By J.R. Evans and R.M. Waiwood

General

Under the General Mining Law of 1872 (May 10, 1872) as amended (30 USC 21-54), citizens of the United States or those intending to become citizens are provided the opportunity to explore for, discover, and purchase certain valuable mineral deposits on Federally administered lands in the United States that are not closed to mineral entry. The law also sets general standards and guidelines for "claiming" the mineral rights to minerals so "discovered." Provisions were included to allow for local rules to be developed, consistent with Federal laws. Therefore, the State of California established the manner of locating mining claims, tunnel sites, and mill sites on Public lands under the California Public Resources Code (Chapter 4, Division 2, Sections 2301 through 2326).

The discovery of a valuable mineral deposit properly located under appropriate Federal and State laws is essential for a valid mining claim. The location of mining claims technically comes after the discovery of a valuable mineral deposit (43 CFR 3811.1, and 43 CFR 3831.1).

Definition of Lode and Placer Mining Claims

A lode mining claim is a claim that typically covers a valuable lode, vein, ledge, tabular deposit, or other rock in place between definite walls or boundaries.

Placer mining claims are used for placer deposits and are defined as "...including all forms of deposit, excepting veins of quartz, or other rock in place (except some non-metallic minerals described later). They shall be subject to entry and patent, under like circumstances and conditions and upon similar proceedings as are provided for veins on lode claims..." (30 USC 35).

Locatable Minerals

Through Federal laws and regulations mineral deposits on Federally administered land are grouped as 1) locatable, 2) salable, or 3) leasable. This handbook is concerned only with the first group - the locatable deposits, or those authorized to be claimed under the General Mining Law of 1872 (as amended).

It is nearly impossible to prepare a complete list of minerals that occur in locatable deposits. This is true because of legal requirements for discovery and because some mineral deposits that are locatable on Federal lands are leasable on the Outer Continental Shelf (OCS) and on most lands acquired by the United States. Also, common varieties of sand, gravel, stone, cinders, pumice, pumicite and clay are not locatable, but are instead salable and require a sales contract from the BLM or the Forest Service. Only the uncommon varieties of these commodities are locatable, and sometimes determined to be so on a case-by-case basis.

Common and Uncommon Varieties of Minerals [1]

If a deposit is considered to contain a common variety mineral, it is not locatable under the mining laws. A definition of common varieties is found in 43 CFR 3711.1(b) and is as follows:

> "Common varieties" includes deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts, do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. Mineral materials which occur commonly shall not be deemed to be "common varieties" if a particular deposit has distinct and special properties making it commercially valuable for use in manufacturing, industrial, or processing operation. In the determination of commercial value, such factors may be considered as quality and quantity of the deposit, geographical location, proximity to market or point of utilization, accessibility to transportation requirements for reasonable reserves consistent with usual industry practices to serve existing or proposed manufacturing, industrial, or processing facilities, and feasible methods for mining and removal of the material. Limestone suitable for use in the production of cement, metallurgical or chemical grade limestone, gypsum, and the like are not "common varieties".

Section 3 of the Multiple Surface Use Act of July 23, 1955 (30 USC 601) authorized removal of the common varieties of sand, gravel, cinders, pumice, pumicite, and clay from the locatable minerals category. These common varieties are sold by the BLM and the U.S. Forest Service under the Materials Act of July 31, 1947. The 1955 act provided an exception at 30 USC 611:

> "Common varieties" as used in sections 601, 603, and 611 to 615 of this title does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called "block pumice" which occurs in nature in pieces having one dimension of two inches or more.

After July 23, 1955 newly found deposits of common variety minerals on Federal lands could be removed only through sale from the Federal Government. If a mining claim was located on a common variety mineral prior to July 23, 1955, the mining claimant must show that the material on the claim could have been mined at a profit as of July 23, 1955, or lose his claim. Moreover, the profitability requirement is a continuing one and the claimant could be asked to demonstrate profitability at any time after July 23, 1955 up until the claimant received a mineral patent for the claims.

The definition of common varieties cited above is quite lengthy, but not very adequate in determining what identifies a specific mineral. Federal courts have helped by giving five criteria for distinguishing locatable minerals from common variety minerals. They are set forth in the 1969 9th Circuit Court decision on McCarty vs. Secretary of the Interior, 408 F2d 907,908 (9th Cir. 1969).

1. There must be a comparison of the mineral deposit in question with other such minerals generally.
2. The mineral deposits in question must have a unique property.
3. The unique property must give a deposit a distinct and special value.

---

[1] See Attachment 3 for Forest Service Regulations issued 12/17/90

4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use.

5. The distinct and special value must be reflected in the higher price which the material commands in the marketplace.

While it is still difficult to test many materials by these criteria they are the best available legal guidance, and are used by the BLM in our common variety determination studies. Common variety determinations are directed toward whether or not the mineral in question is locatable or salable. As such, these studies do not involve the overall economic viability of the deposit as they would in a regular validity examination for a locatable mineral.

Examples of specific commodities for which decisions have been made are:

Bentonite; held to be locatable in U.S. v. Kaycee Bentonite Corp., 64 IBLA 186 (1982).

Building Stone; depends on uniqueness and distinct and special values. See U.S. v. Dunbar Stone Co., 56 IBLA 61, 64-67 (1981) for a good discussion of building stone properties.

Clays; common or salable if used for structural brick, tile, pipe, pressed or face brick, and pottery, earthenware, or stoneware that cannot meet standards of high grade ceramics. Uncommon or locatable if the clay has high refractory properties and quality standards such as for use in china. See U.S. v. Peck, 29 IBLA 357 and 84 ID 137 (1977).

Gemstones; value of stone on mining claim important fact (more than ability of stone to take a polish). See U.S. v. Stevens, 14 IBLA 380 (1974).

Geodes; held to be locatable in U.S. v. Bolinder, 28 IBLA 192(1976).

Gypsite; locatable as a soil amendment because it causes a chemical rather than a physical change as in the use of other soil amendments: See U.S. v. Bunkowski, 79 ID 43, 47, 48 (1972).

Gypsum; held to be locatable: See U.S. v. Bunkowski, 79 ID 43, 47, 48 (1972).

Jasper; held to be locatable in U.S. v. Stevens, 14 IBLA 380(1973).

Limestone; locatable for use in manufacture of Portland cement, but common or salable for use as concrete aggregate or soil additives. See U.S. v. Alaska Limestone Corp., 66 IBLA 316, 324, 318 (1982).

Obsidian; held to be common or salable in U.S. v. Mansfield, 35 IBLA 95 (1978).

Pumicite; Considered to be locatable by the BLM in California for use as a pigment-extender in latex flat white paint (Evans, Milne, and Leverette, May 20, 1989).

Sand and Gravel; almost always common or salable for construction uses, even with superior characteristics. See U.S. v. Henderson, 68 IBLA 26, 29-30 (1961).

"Sunstones" (labradorite phenocrysts in basalt); held to be locatable in Rogers v. Watt, 726 F. 2d 1376 (9th Cir. 1984).

Terrazzo; common or salable when material chips are used for terrazzo. See U.S. v. Henderson, 68 ID 26(1961).

Volcanic Cinders; common or salable when used as aggregate for the manufacture of cement blocks, or lightweight aggregates. See U.S. v. Harenberg, 9 IBLA 77(1973).

Zeolites; held to be locatable as long as sodium is not present in sufficient quantity so as to be commercially valuable, and if sodium is not essential to the existence of the mineral. See U.S. v. Union Carbide Corp., 31 IBLA 72 and 84 ID 310 (1977).

Discovery

There are legal and technical aspects to be considered for a discovery of a valuable mineral deposit. Unfortunately, Federal statutes do not provide a definition of, or describe what constitutes a valuable mineral deposit. The lack of a statutory definition has resulted in judicial and administrative declarations.

Prudent Person Test

The best known test of discovery was in a Land Decision of the Department of the Interior in 1894: Castle v. Womble, 19 LD 455 (1894). This famous "prudent person" test or definition of discovery of a valuable mineral deposit was given as follows:

> ...where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine, the requirements of the statutes have been met.

Marketability Test

In 1968 the Supreme Court approved, as a complement to the prudent person test of discovery, a pre-existing concept: the marketability test. The marketability test concept has been used by the Department of the Interior for widespread non-metallic minerals since Layman v. Ellis, 52 LD 714 (1929). In Foster v. Seaton, 271 F.2d 836 (DC Cir. 1959) the test was further upheld.

In U.S. v. Coleman, 290 US 602-603 (1968) the Supreme Court ruled:

> Under the mining laws Congress has made public lands available to people for the purpose of mining valuable mineral deposits and not for other purposes. The obvious intent was to reward and encourage the discovery of minerals that are valuable in an economic sense. Minerals which no prudent man will extract because there is no demand for them at a price higher than the cost of extraction and transportation are hardly economically valuable. Thus, profitability is an important consideration in applying the prudent-man test, and the marketability test which the

> Secretary has used here merely recognizes this fact. Indeed, the marketability test is an admirable effort to identify with greater precision and objectivity the factors relevant to a determination that a mineral deposit is "valuable". It is a logical complement to the "prudent-man test" which the Secretary has been using to interpret the mining laws since 1894.
>
> ....the prudent-man test and the marketability test are not distinct standards, but are complimentary in that the latter is a refinement of the former. While it is true that the marketability test is usually the critical factor in cases involving nonmetallic minerals of widespread occurrence, this is accounted for by the perfectly natural reason that precious metals which are in small supply and for which there is a great demand, sell at a price so high as to leave little room for doubt that they can be extracted and marketed at a profit.

It is clear that the consideration of economic value and market entry for nonmetallic minerals as well as metallic minerals is a critical factor for discovery. For example, the Federal 10th Circuit Court Decision in Roberts v. Morton, 549 F.2d 163 (10th Cir. 1977) stated:

> ...it is still proper here that the Secretary "take into account the economics of the situation." The required showing by a claimant, however, is that at the time of discovery there is a market sufficiently profitable to attract the efforts of a person of ordinary prudence.

The marketability test refers to the ability to market but does not require the actual marketing of materials from the claim. Speculative future marketability cannot be relied on, only economic circumstances which are rationally predictable from present known facts may be used. United States v. James J. Heldman, et al., 14 IBLA (Nov. 27, 1973); United States v. Ethel Schell Larson and Minerals Trust Corporation, 9 IBLA 247 (Feb. 2, 1973); United States v. Menzel G. Johnson, 16 IBLA 234 (July 10, 1974); Ideal Basic Industries, Inc. v. Morton C.A., 542 F.2d 1364 (9th Cir. 1976).

Therefore, the claimant should show that there is a reasonable prospect of selling mineral from a claim(s) at a profit. It is not required that the mineral has been sold or is selling at a profit.

Other Concepts for the Marketability Test

In 1983 the Interior Board of Land Appeals (IBLA) presented a new concept regarding marketability. In In Re Pacific Coast Molybdenum, 75 IBLA 29 (1983) the Board ruled:

> "Present marketability" has never encompassed the examination of either cost or price factors as a specific, finite moment of time, without reference to other economic factors. Rather, the question of whether something is "presently marketable at a profit" simply means that a mining claimant must show that, as a present fact, considering historic price and cost factors and assuming that they will continue, there is a reasonable likelihood of success that a paying mine can be developed. For example, if a claimant has located a deposit of gold which can be mined at a profit, if the price of gold is $500 an ounce, and the evidence is such that there is a reasonable likelihood of sufficient quantity and quality to justify development, that claim can be deemed valid despite the fact that on any specific day gold may be selling at $420 an ounce. This is so because a

> selling price of $500 an ounce for gold is both within the historic range and expectations of it reaching that level again can be justified as a present matter. On the other hand, if the deposit, because of expenses associated with mining and beneficiation, requires a selling price of $1,500 an ounce, such a claim does not exhibit present marketability. So elevated a price for gold does not represent any relevant historic range and is essentially based on speculation or unsupported hope. It may be expectation, but it is an unreasonable one given present facts. See United States v. Denison, 76 I.D. 233, 239 (1969).

This means that all concerned parties are not locked into the daily price quote of gold, or other commodities, but can take a perspective view of average and expected prices over an appropriate period of time.

Another new concept that somewhat narrows the appropriate time period for marketability determinations for mineral patents was put forth in United States v. Norman A. Wittaker (On Reconsideration), 102 IBLA 162 (1988):

> Based on our review of the applicable judicial precedents, we have concluded that, as a general matter, where a patent application is involved and final certificate has issued, the question of present marketability must be determined by reference to the date on which the claimant fulfilled all of the prerequisites to the making of the entry, i.e., no later than the date of the issuance of the final certificate.

It is still proper to use the concepts outlined in In Re Pacific Coast Molybdenum 75 IBLA 20-29 (1983) on mineral patent applications. Still, the date of issuance of Part I of the Mineral Entry Final Certificate must be kept firmly in mind as a reference date.

These concepts should be considered in all evaluations of discovery and mineral in character for mineral patent examinations.

The issuance of Part I of the Mineral Entry Final Certificate results in a segregation of the land involved in the mineral patent application from all forms of entry and appropriation. See Scott Burnham 100 IBLA 94; 94 ID 429 (1988), and Scott Burnham (On Reconsideration), 102 IBLA 363 (1988).

Discovery On Each Claim

Historically the BLM has considered that each claim should have a discovery within its boundaries, even if two or more claims are contiguous. See Ranchers Exploration and Development Co. v. Anaconda Co., 248 F. Supp. 708 (DC Utah 1965).

This concept is not new. In Waskey v. Hammer, 223 US 85, 91 (1912) the court ruled: "discovery without the limits of the claim, no matter what its proximity, does not suffice."

In the case of large, low grade gold deposits or other metal or nonmetallic deposits disseminated or spread over a wide area under numerous mining claims, it is apparent that one claim could not support the large capital investment required to develop such deposits. A group of claims would be necessary to support an economic operation. A large deposit of reasonable quality with an appropriate quantity of material is clearly necessary to successfully develop a mine. The BLM has taken a perspective view of the problem and considers this concept in validity examinations.

The BLM view is supported by a recent decision in Jim D. Schlosser, et al., v. Verle Pierce et. al., 92 IBLA 109 (June 6, 1986) where the IBLA said:

> A bentonite mining claimant is not required to show each claim he has located is capable of independently supporting a paying mine. Rather, marketability of a known bentonite clay deposit, a low-grade, high volume clay material, may be demonstrated by showing the feasibility of mining several claims under a single operation where each claim is shown to contain sufficient mineralization to qualify for inclusion within the mined group.
>
> ...the locator of a bentonite placer mining claim must show the mineral character of each 10-acre tract within the claim.

Discovery on Large Disseminated Gold Deposits

In regard to concepts in the above section we have developed criteria for evaluation of discovery on large disseminated gold deposits (Evans, 1989). Broadly, the BLM mineral examiner should gather, generate, verify, and interpret material and concepts which include land status, mining claim records, geologic and engineering data, operating costs, capital costs, tax data, and marketing and general economic considerations.

Main overall technical concerns of the BLM are to certify that a valuable deposit exists (a discovery is made) and what part of that valuable deposit is within the boundaries of each individual mining claim. Key elements for these concerns is the average grade and number of tons of valuable material in the deposit, and the average grade and tons of material that can be mined from each individual claim. The costs incurred therein must then be analyzed.

The method of approach is to check geologic and grade maps, assay data, and mine records carefully, and make appropriate summaries. If information is lacking the mineral examiner should ask the company to provide appropriate maps and records. It is critical to relate tons, grade, and gold content in a statistically generated model developed from exploration drilling to a model developed through blast hole drilling from pit development to a model developed through belt sampling of agglomerate prior to its placement on the leach pads (or material going into leach tanks), and actual gold recovery from the leach pads (recovery rate, %). There can be a high percentage of variance between models, either positive or negative. As the BLM analyses are largely based on exploration data it is critical to determine how accurate that data is based on the blast hole and agglomerate sampling, and actual gold recovery.

An economic model using an income approach to value is developed. It is based on company records and technical and economic factors agreed upon by the company and the BLM mineral examiners. This model is used for determination of economic viability of the overall deposit. Key elements in the model are: price of gold, average minable grade of deposit, tons of minable material of average grade, life of deposit at actual and projected extraction rates, recovery rate of gold on the leach pad, capital costs, operating costs, percentage rate of return on investment, royalty payments, and tax structure.

In order to verify discovery on individual mining claims, the lowest and average grade of material mined must be determined. We use the amortization of capitol investment, price of gold, pit design, and operating costs as criteria for determining or verifying the lowest grade; often called cut-off grade. After determination of this grade and average grade, maps must be checked or made by grade, and tons represented by blocks within the area covered by lode mining claims. For most studies the blocks will be determined by blast hole drill spacing (say 50 x 50 x 20 feet) and depth based on the pit development plan. Maps will show the relation of volumes (and tons) of grades to each claim by bench level in the actual and projected pit. If a significant amount of material of average grade occurs under a mining claim at any pit level then that claim can be certified for patent. If material below the lowest grade occurs under a mining claim in question then that claim cannot be recommended for patent (see Map M-1, page 10, for an example).

Exploration test data is the key for the above analyses. As long as this data, especially grade and tons, match or exceed the model and actual test data from development work (blast hole data) and the agglomerate test data, it is easy to certify claims. If the exploration data is significantly lower than development data and the recovery rate on the leach pad is low then it becomes very difficult to certify a mining claim.

Physical Exposure Requirement

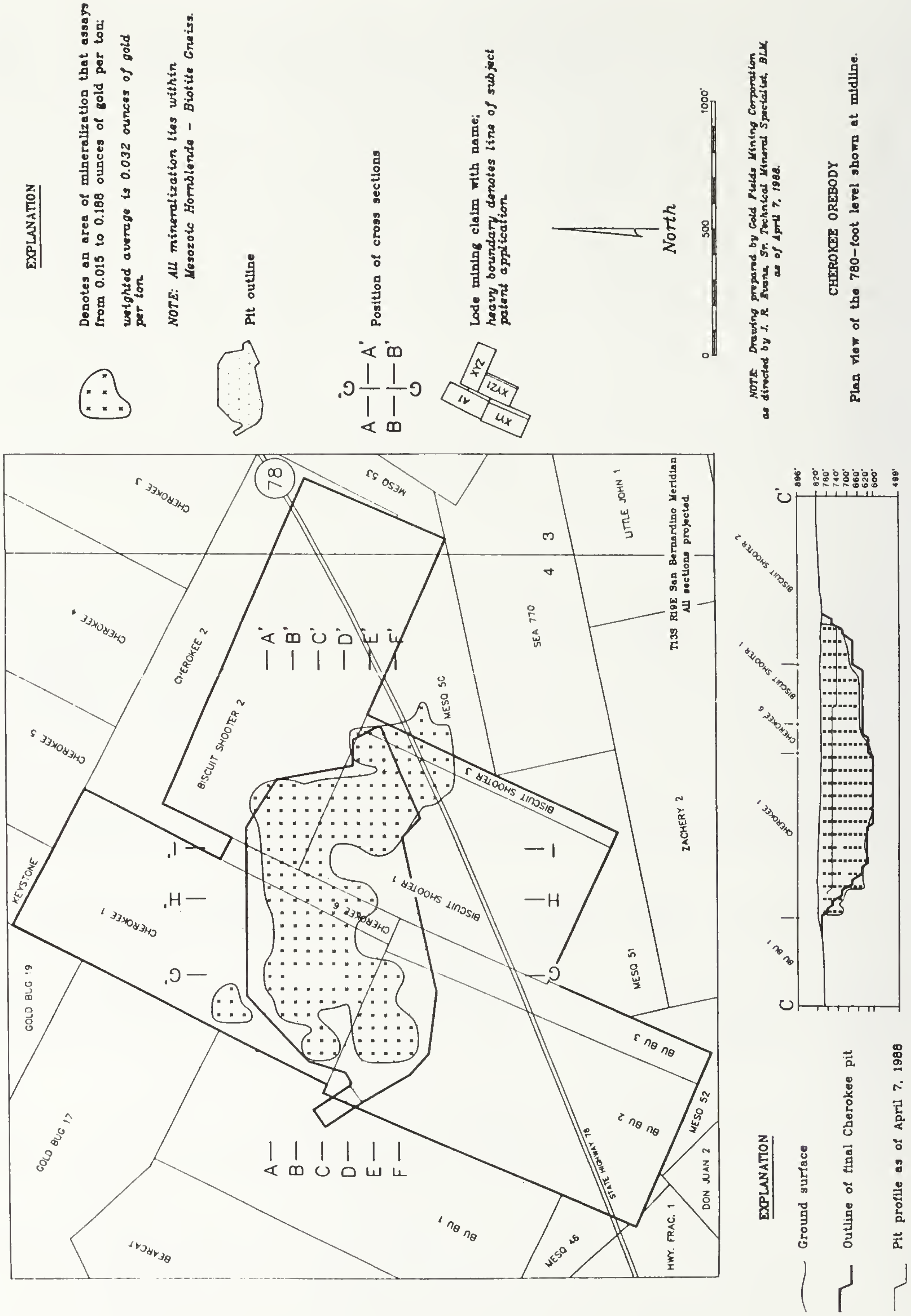
Geologic inference (see the Mineral In Character section) will not support a discovery. A valuable mineral deposit must be actually and physically exposed within each mining claim (or group of claims). The mineral may be exposed in trenches, cuts, shafts, audits, and drill cores. Geochemical or geophysical anomalies, unsupported and uncorrelated with physical exposures of mineral cannot be used for discovery.

There are a number of cases that involve the above concept. A recent compelling analysis of the physical exposure requirement came from the Federal court, where it was ruled in McCall v. Andrus, 628 F.2d 1188 (1980):

> ....proof of "discovery" requires a showing of an exposed mineral deposit on the claim while "mineral in character" may be proved by geological inference coupled with marketability.

Most of the acceptable criteria for actual and physical exposure of a mineral is clear. We consider that the following conditions may allow drill core and/or cuttings to be acceptable for discovery:

1. Drilling is done by a creditable party.
2. Adequate and proper logs are taken and maintained.
3. Cores or cuttings are left in proper order, clearly marked for proper identification as to drill hole number, depth, and location.
4. Cores, cuttings, and logs are made available to the government mineral examiner for his inspection.
5. Assay intervals (or chemical or mineral analysis), and certificates of results from a reputable assayer, chemist, or mineralogist are made available to the government mineral examiner.
6. The examiner is allowed to spot check certain intervals of core or cuttings for accuracy of grade.


EXPLANATION
Denotes an area of mineralization that assays from 0.015 to 0.188 ounces of gold per ton;
weighted average is 0.032 ounces of gold per ton.
NOTE: All mineralization lies within Mesozoic Hornblende - Biotite Gneiss.
Pit outline
A—G—A'
B—G—B'
Position of cross sections
XYZ
XYZ1
A1
XY1
Lode mining claim with name; heavy boundary denotes line of subject patent application.
North
0
500
1000'
NOTE: Drawing prepared by Gold Fields Mining Corporation as directed by J. R. Evans, Sr. Technical Mineral Specialist, BLM, as of April 7, 1988.
CHEROKEE OREBODY
Plan view of the 780-foot level shown at midline.
78
CHEROKEE 3
MESO 53
LITTLE JOHN 1
CHEROKEE 4
CHEROKEE 2
BISCUIT SHOOTER 2
SEA 770
3
4
T13S R19E San Bernardino Meridian
All sections projected.
CHEROKEE 5
MESO 50
BISCUIT SHOOTER 3
ZACHERY 2
KEYSTONE
CHEROKEE 1
BISCUIT SHOOTER 1
CHEROKEE 6
MESO 51
GOLD BUG 19
BU BU 3
GOLD BUG 17
BU BU 2
MESO 52
STATE HIGHWAY 78
DON JUAN 2
BU BU 1
HWY. FRAC. 1
MESO 46
BEARCAT
A—
B—
C—
D—
E—
F—
—A'
—B'
—C'
—D'
—E'
—F'
G—
H—
I—
G'
H'
I'
C
C'
896'
820'
780'
740'
700'
660'
620'
600'
499'
BISCUIT SHOOTER 2
BISCUIT SHOOTER 1
CHEROKEE 6
CHEROKEE 1
BU BU 1
EXPLANATION
Ground surface
Outline of final Cherokee pit
Pit profile as of April 7, 1988

Map M-1. Map and cross section showing grade distribution in a disseminated gold deposit (taken from Evans, 1988).

Mineral in Character and the 10-Acre Rule, for Placer Claims

General

One discovery of a valuable mineral deposit per placer claim is sufficient, whether the claim is 20 acres for an individual placer claim, or 160 acres for an association of eight persons (20 acres per person). However, regulations regarding placer claims require, that after discovery of a valuable deposit has been made, each 10-acre area be examined for its mineral in character nature (43 CFR 3842). Only those 10-acre plots that are mineral in character can be clear-listed for patent: U.S. v. Meyers, 17 IBLA 313 (1974), U.S. v. Lara, 67 IBLA 48, 50 (1982), and McCall v. Andrus, 628 F.2d 1185 (9th Cir. 1980), cert. denied 450 US 996 (1981).

The elements of mineral in character on a placer mining claim are defined as follows:

> It is not essential that there be an actual discovery of mineral on the land. It is sufficient to show only that known conditions are such as reasonably to engender the belief that the land contains mineral of such quality and in such quantity as to render its extractions profitable and justify expenditures to that end. Such belief may be predicated upon geological conditions, discoveries of minerals in adjacent land, and other observable external conditions upon which prudent and experienced men are shown to be accustomed to act; Southern Pacific Co., 71 ID 233 (1964).

Style of 10-Acre Subdivision

In U.S. v. Lara (On Reconsideration), 80 IBLA 215 (1984) the IBLA ruled:

> In determining whether each 10-acre part of a placer claim is mineral in character, the claim must be subdivided to create square 10-acre parcels, to the extent possible, regardless whether the claim, as laid out on the ground, conforms to the system of public land surveys. This principle was supported by the Ninth Circuit Court of Appeals in U.S. v. Lara, 820 F.2d 1535 (9th Cir. 1987). If any 10-acre part of a placer claim under patent application has had a mineral survey, and is found to be nonmineral in character, it will require additional survey work to account for the omission of that part.

Geologic Inference

Mineral in character can be determined through geologic inference which engenders the belief. The essential ingredients are described in the following section from U.S. v. Lundy, A-306724 (June 30, 1967):

> ....we fail to recognize the distinction the appellant places upon "geological inference" and upon "opinion of experts" who are geologists. To infer suggests the arriving at an opinion by reasoning from known facts or evidence. Thus, it would seem that geological inference is no more than opinion of a geologist inferred or deduced from known and observed geological evidence.

Geologic inference is acceptable for mineral in character determination on each 10-acre plot within any placer claim, but inference must be drawn from a data base and cannot be merely an unsubstantiated opinion. The geologic inference also must show that minerals occur in amounts that could reasonably be expected to be mined at a profit. Thus mineral in character is essentially discovery through geologic inference.

Specific Information Required for Showing Discovery

Mineral patent applicants should pay close attention to the requirements for showing discovery on mineral deposits. These showings are critical to the decision on whether or not a mineral patent is issued. Requirements are not great in number, but can be difficult and arduous to address properly. The following requirements of patent applicants are basic and minimal:

1. A brief description of the general geology of the region around your mining claim(s).

2. A description of the geology and type and distribution of commercial minerals and their relationship to your mining claim(s).

3. An analysis of the quantity and quality of commercial minerals and the relationship to your mining claim(s).

4. A relationship of requirements 2 and 3 relative to your discovery area or areas.

   Note (in regard to requirements 1 through 4): appropriate surface, underground, topographic, geologic, and other maps showing location of drill holes, sample points, mine workings, mill and other buildings, improvements, and so forth are required. Supporting descriptions should be in the text of the report.

5. A description of your mining method and equipment used.

6. A description of your reclamation plan and any needed environmental mitigation.

7. A description of your milling, benefication, and metallurgical processing methods.

   Note (in regard to requirements 5 and 6): Simplified or detailed flow diagrams are very helpful in understanding mining and processing methods, and should be included by the applicant.

8. An economic analysis of your operation that includes capitol costs of equipment and buildings, operating costs for mining and processing, reclamation and environmental mitigation costs, product f.o.b. selling prices, related tax elements, and a showing as to the profitability or potential profitability of your operation.

For nonmetallic minerals there are additional requirements.

1. A discussion of why you think your deposit is locatable, that is, not a common variety or salable mineral (see page 3 of this handbook).
2. A discussion of your ability to enter the marketplace and sell your products (market entry). Include a discussion of the chemical and physical characteristics and required specifications for sale products.

The above information is put in the Narrative Statement Section for placer and lode claims in the patent application (see pages 39 and 40 of this handbook).

VALIDITY OF MILL SITES

by J.R. Evans

Under mining laws and regulations, the owner(s) of a valid mining claim can in good faith locate as much as 5 acres of nonmineral land as a mill site. Also, the owner(s) of a custom quartz mill or reduction works, independent of any mining claim, may locate as much as 5 acres of nonmineral land as a mill site (see 30 USC 42, and 43 CFR 3844).

Therefore, there are three types of mill sites:

1. Dependent mill sites used in connection with lode claims
2. Dependent mill sites used in connection with placer claims
3. Independent or custom mill sites.

A dependent mill site must be located in good faith on nonmineral land, be no more than 5 acres in area, be attached to an active valid lode or placer claim (including a patented lode or placer claim), and be in nearly continuous acceptable use (see United States v. Kuretich, 54 IBLA 124 (1981) and cases cited therein). BLM consideration as to actual use on a 5-acre mill site should generally be limited to a 2½-acre aliquot part under the "2½-acre rule" - see United States v. Elmer H. Swanson, Livingston Silver, Inc. 93 IBLA 35 (1986). If an independent mill site is located, a quartz mill or reduction works must be built. Also, annual assessment work is not required for a mill site, but the annual filing of a Notice of Intent to Hold the mill site is required. See Maps M-2 and M-6, pages 21 and 26.

Table T-2. Some Proper and Improper Uses of Dependent Mill Sites

Proper Use	Improper Use
° Acceptable Mill and processing plants and equipment	° Access roads
° Mine and overburden dumps	° Reclamation work
° Mine tailings	° Loosely proposed intention for some future use
° Living quarters for mill workmen	° Storage of equipment unrelated to mining
° Blacksmith shop and tool houses	° Structures or dwellings unrelated to mining or milling
° Well sinking and construction of water works	

Mill sites, like placer mining claims, are located and marked either on aliquot parts of the Public Land Survey or by metes and bounds. As many mill sites as can be properly and legally supported can be located. Proper location and corner monuments (if not by aliquot parts) must be erected. Mill sites can be contiguous to mining claims as long as the land is nonmineral in character. However, sites cannot be located or patented on split estate land where the mineral estate is owned by the United States and the surface is privately owned.

The patenting of mill sites requires the posting of a Mineral Survey (if the site is not by aliquot parts) and the Notice of Intent to Patent for at least 30 days. In contrast to mining claim patent requirements proofs of expenditures are not required. See page 37, Proof of Improvements.

BLM NATIONAL PROGRAM FOR CERTIFICATION OF MINERAL EXAMINERS AND REVIEW MINERAL EXAMINERS

By J.R. Evans

General

Patent and other validity examinations are done, or directed by a Certified Mineral Examiner. A Mineral Examiner is a mineral specialist who is qualified to give expert testimony in an Administrative Hearing before an Administrative Law Judge concerning the presence or absence of a discovery of a valuable mineral deposit under the mining laws. See Rodgers et al., v. James Watt, 776 F. 2d 1376 (9th Circuit, 1984); Charleston Products v. Cecil Andrus, 553 F. 2d 1213-14 (9th Circuit, 1977); Verrue v. United States, 457 F. 2d 1204 (9th Circuit, 1972); and United States v. Janet Copple et al., 81 IBLA 132, 136 (1984).

BLM Certified Review Mineral Examiners will perform final technical review of mineral reports generated by the BLM and other governmental agencies such as the U.S. Forest Service and National Park Service.

BLM mineral examiners and review mineral examiners are certified through the BLM National Certification Program. BLM Instruction Memorandum No. 89-752, dated September 15, 1989 describes the purpose and nature of the program in detail. Briefly, the purpose of the program is to assure management that personnel preparing reports and making technical reviews are qualified to perform those functions. It is intended to foster consistency and promote increased competence and professionalism among mineral examiners.

Duties

Certified Mineral Examiners will perform, and or direct patent and other validity examinations in the field and the office, and sign off on mineral reports. In addition to performing, and or directing some examinations, Certified Review Mineral Examiners will perform technical review of mineral reports and provide technical guidance and on the job training to staff members.

Requirements for Certification

All Certified Mineral Examiners must meet Office of Personnel Management (OPM) X-118 standards as a Mining Engineer (880) or Geologist (1350). In addition, the following items are required.

Skill, knowledge, and ability must be demonstrated in the following subjects:

- Mining Law
- Ore Deposition/Mineral Deposits
- Mineral Exploration Methods
- Mineral Processing
- Sampling Theory and Practice
- Surface and Underground Mapping
- Mineral Property Economic Evaluation
- Industrial Minerals
- Mining Methods
- Structural Geology
- Field Methods
- Hand-Specimen Mineralogy/Petrology

Also, the following BLM training courses or their equivalent must have been completed.

° 3000-13	Mining Claim Validity Examination Procedures
° 3000-11	Mine and Beneficiation Cost Estimating and Economic Evaluation
° 3000-9	Placer Examination Techniques

Appropriate professional experience with a federal agency performing applicable minerals actions, or with private industry performing analogous duties, may be substituted for some, or all, of the above training courses.

Certified Mineral Examiners must also have direct experience in validity and patent examinations and mineral report writing.

In addition to the above requirements for a Certified Mineral Examiner, the Certified Review Mineral Examiner must have the following experience and competency:

- Been a lead examiner on several patent and or other validity or surface use examinations.

- Worked on cases covering several different commodities.

- A working knowledge of the current needs and practices of the mining industry.

- Demonstrated ability in communication skills, especially in technical writing.

All Certified Review Mineral Examiners are required to maintain and improve their skills, knowledge, and abilities through continuing education, experience, and professional affiliation.

Certification Process

Certification of individuals is granted by a National panel of five Certified Mineral Review Examiners after an applicant has been determined to meet the above requirements. Panel members and Chairperson serve at the pleasure of the BLM Assistant Director for Energy and Mineral Resources at BLM Headquarters in Washington D.C.

By October 1, 1990, only Certified Review Mineral Examiners will be allowed to sign technical review of validity, patent, and surface use mineral reports. By April 1, 1991, only Certified Mineral Examiners or Certified Review Mineral Examiners will be allowed to perform, and or direct mining law related investigations and author reports based on those investigations.

MINERAL SURVEY PROCEDURES

by Charlene W. Ruffner

General

Mineral Surveys are used to delineate the legal boundaries of mineral lands on the public domain where the boundaries are established by lines that deviate from standard legal subdivision and lots. All lode mining claims must have a mineral survey prior to application for patent because by nature lode deposits cannot conform to the public land survey system. Some placer mining claims and millsites must also receive a mineral survey if their boundaries are described by metes and bounds instead of by legal subdivision. All mining claims and mill sites must have a mineral survey if they are on unsurveyed public lands.

A mineral survey should accomplish the following:

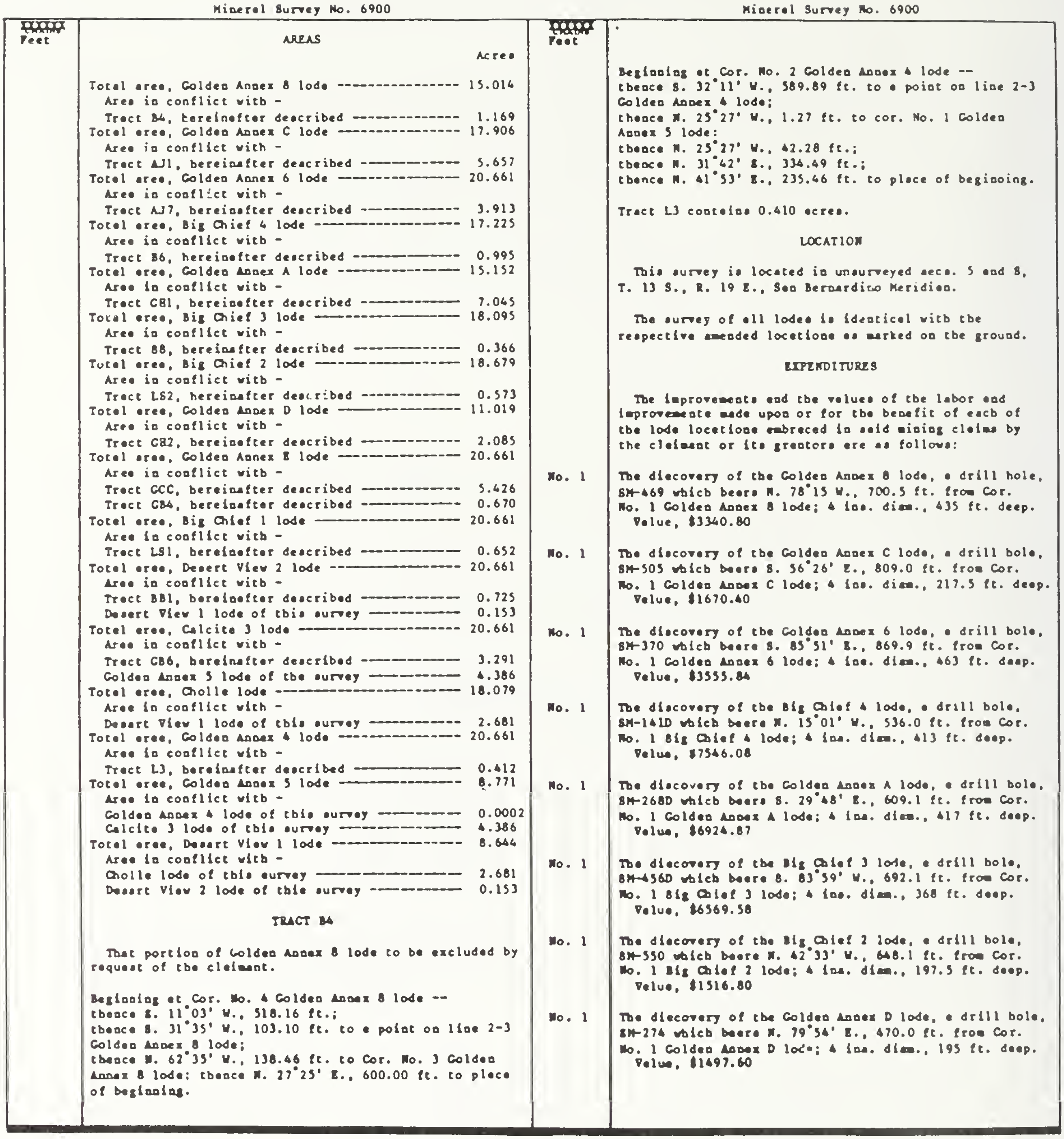
1. Monument the claim corners.
2. Witness the location in the field.
3. Determine acreage by claim and any conflicts thereof. Acreage and conflicts are shown in the field notes. See Table T-3, page 18 for an example of field notes.
4. Show all conflicts with earlier surveys and prior locations that may or may not be excluded in your application for patent.
5. Show all workings on the claim, describe and report the value of all improvements having a direct relation to the development of the claim and the extraction of minerals. The above information is also shown in the field notes.
6. Tie to a corner of the BLM rectangular survey system.

The mineral survey itself confers no rights; a patent must be issued. For more specific information the reader should check statement 1, 43 CFR Part 3861 - Survey and Plats.

Under appropriate laws of the United States a mining claim is a property right on a particular piece of land having valuable mineral deposits to which a person(s) asserts a right of possession.

There are three general types of mineral deposits that are located by using two different types of mining claims. The three general types of deposits are lode, placer and disseminated. Types of mining claims used are lode and placer. Disseminated deposits are located by using lode mining claims. Dependent or independent mill sites are discussed on page 14.

Layouts for an ideal lode mining claim, mill site, and some placer mining claims are shown on Figure F-1, page 19. For more information the interested reader can refer to another companion book published by the BLM that covers mining claims and sites in California (Evans, and others, August 1989).



Mineral Survey No. 6900

~~Chains~~ Feet

AREAS

	Acres
Total area, Golden Annex 8 lode	15.014
Area in conflict with -	
Tract B4, hereinafter described	1.169
Total area, Golden Annex C lode	17.906
Area in conflict with -	
Tract AJ1, hereinafter described	5.657
Total area, Golden Annex 6 lode	20.661
Area in conflict with -	
Tract AJ7, hereinafter described	3.913
Total area, Big Chief 4 lode	17.225
Area in conflict with -	
Tract B6, hereinafter described	0.995
Total area, Golden Annex A lode	15.152
Area in conflict with -	
Tract CB1, hereinafter described	7.045
Total area, Big Chief 3 lode	18.095
Area in conflict with -	
Tract B8, hereinafter described	0.366
Total area, Big Chief 2 lode	18.679
Area in conflict with -	
Tract LS2, hereinafter described	0.573
Total area, Golden Annex D lode	11.019
Area in conflict with -	
Tract CB2, hereinafter described	2.085
Total area, Golden Annex E lode	20.661
Area in conflict with -	
Tract GCC, hereinafter described	5.426
Tract CB4, hereinafter described	0.670
Total area, Big Chief 1 lode	20.661
Area in conflict with -	
Tract LS1, hereinafter described	0.652
Total area, Desert View 2 lode	20.661
Area in conflict with -	
Tract BB1, hereinafter described	0.725
Desert View 1 lode of this survey	0.153
Total area, Calcite 3 lode	20.661
Area in conflict with -	
Tract CB6, hereinafter described	3.291
Golden Annex 5 lode of the survey	4.386
Total area, Cholla lode	18.079
Area in conflict with -	
Desert View 1 lode of this survey	2.681
Total area, Golden Annex 4 lode	20.661
Area in conflict with -	
Tract L3, hereinafter described	0.412
Total area, Golden Annex 5 lode	8.771
Area in conflict with -	
Golden Annex 4 lode of this survey	0.0002
Calcite 3 lode of this survey	4.386
Total area, Desert View 1 lode	8.644
Area in conflict with -	
Cholla lode of this survey	2.681
Desert View 2 lode of this survey	0.153

TRACT B4

That portion of Golden Annex 8 lode to be excluded by request of the claimant.

Beginning at Cor. No. 4 Golden Annex 8 lode --
thence S. 11°03' W., 518.16 ft.;
thence S. 31°35' W., 103.10 ft. to a point on line 2-3 Golden Annex 8 lode;
thence N. 62°35' W., 138.46 ft. to Cor. No. 3 Golden Annex 8 lode; thence N. 27°25' E., 600.00 ft. to place of beginning.

Mineral Survey No. 6900

~~Chains~~ Feet

Beginning at Cor. No. 2 Golden Annex 4 lode --
thence S. 32°11' W., 589.89 ft. to a point on line 2-3 Golden Annex 4 lode;
thence N. 25°27' W., 1.27 ft. to cor. No. 1 Golden Annex 5 lode:
thence N. 25°27' W., 42.28 ft.;
thence N. 31°42' E., 334.49 ft.;
thence N. 41°53' E., 235.46 ft. to place of beginning.

Tract L3 contains 0.410 acres.

LOCATION

This survey is located in unsurveyed secs. 5 and 8, T. 13 S., R. 19 E., San Bernardino Meridian.

The survey of all lodes is identical with the respective amended locations as marked on the ground.

EXPENDITURES

The improvements and the values of the labor and improvements made upon or for the benefit of each of the lode locations embraced in said mining claims by the claimant or its grantors are as follows:

No. 1 The discovery of the Golden Annex 8 lode, a drill hole, SM-469 which bears N. 78°15 W., 700.5 ft. from Cor. No. 1 Golden Annex 8 lode; 4 ins. diam., 435 ft. deep. Value, $3340.80

No. 1 The discovery of the Golden Annex C lode, a drill hole, SM-505 which bears S. 56°26' E., 809.0 ft. from Cor. No. 1 Golden Annex C lode; 4 ins. diam., 217.5 ft. deep. Value, $1670.40

No. 1 The discovery of the Golden Annex 6 lode, a drill hole, SM-370 which bears S. 85°51' E., 869.9 ft. from Cor. No. 1 Golden Annex 6 lode; 4 ins. diam., 463 ft. deep. Value, $3555.84

No. 1 The discovery of the Big Chief 4 lode, a drill hole, SM-141D which bears N. 15°01' W., 536.0 ft. from Cor. No. 1 Big Chief 4 lode; 4 ins. diam., 413 ft. deep. Value, $7546.08

No. 1 The discovery of the Golden Annex A lode, a drill hole, SM-268D which bears S. 29°48' E., 609.1 ft. from Cor. No. 1 Golden Annex A lode; 4 ins. diam., 417 ft. deep. Value, $6924.87

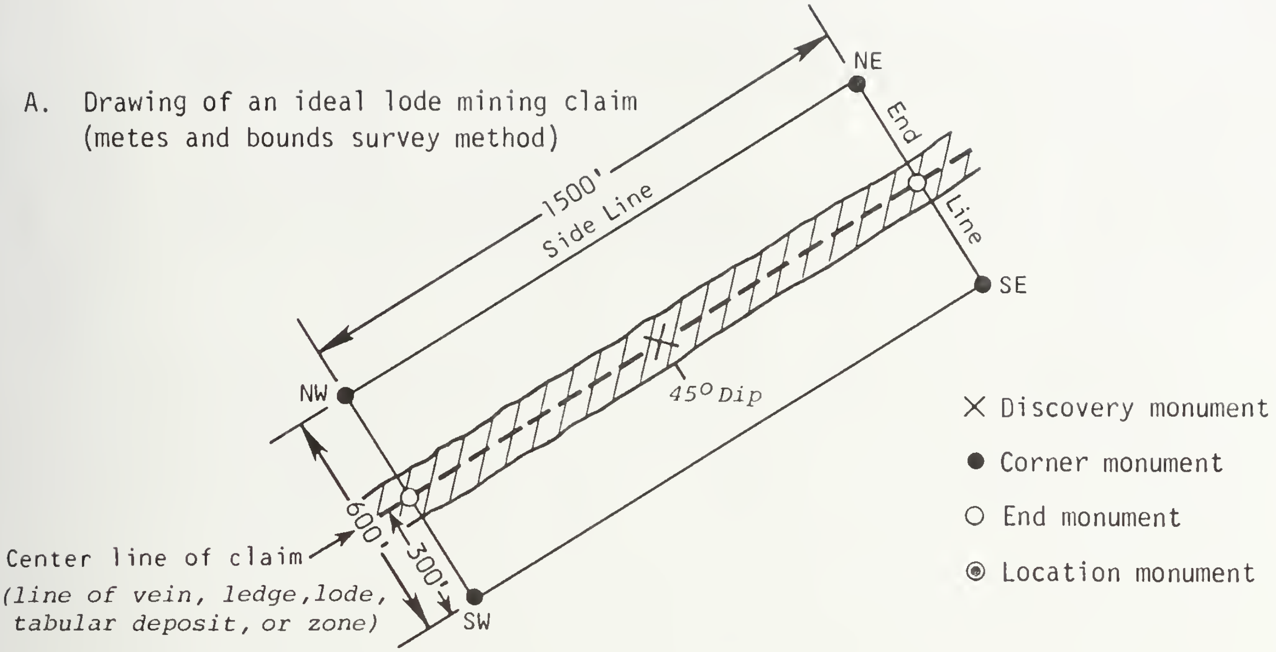
No. 1 The discovery of the Big Chief 3 lode, a drill hole, SM-456D which bears S. 83°59' W., 692.1 ft. from Cor. No. 1 Big Chief 3 lode; 4 ins. diam., 368 ft. deep. Value, $6569.58

No. 1 The discovery of the Big Chief 2 lode, a drill hole, SM-550 which bears N. 42°33' W., 648.1 ft. from Cor. No. 1 Big Chief 2 lode; 4 ins. diam., 197.5 ft. deep. Value, $1516.80

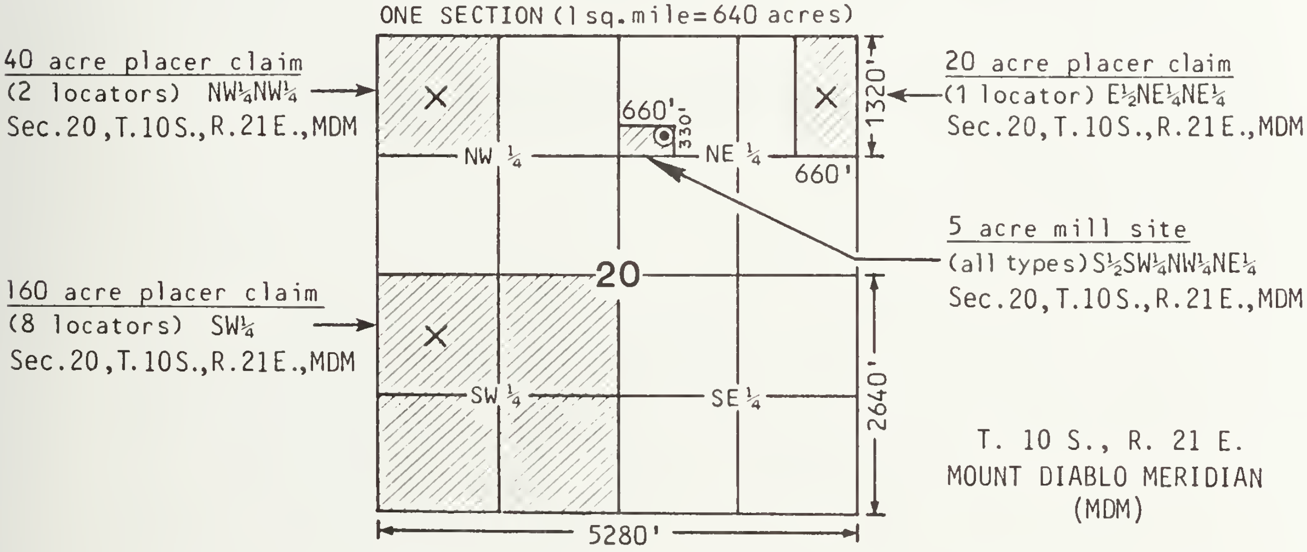
No. 1 The discovery of the Golden Annex D lode, a drill hole, SM-274 which bears N. 79°54' E., 470.0 ft. from Cor. No. 1 Golden Annex D lode; 4 ins. diam., 195 ft. deep. Value, $1497.60

Table T-3. Field notes from Mineral Survey No. 6900 showing individual mining claim acreage and expenditures.

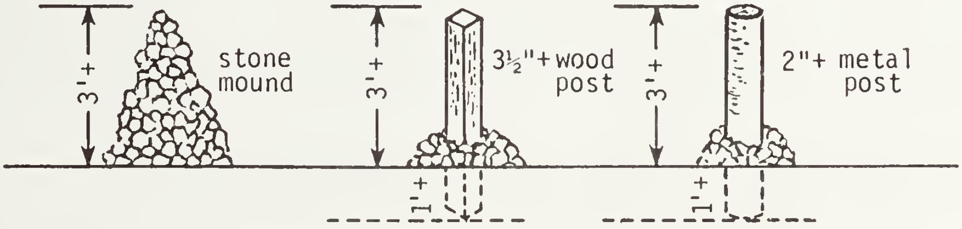
A. Drawing of an ideal lode mining claim (metes and bounds survey method)



B. Drawing of a section of land showing types of placer mining claims (PMC) and a mill site (MS). The legal description method is based on the U.S. Public Land Survey



C. State law suggests prima facie conspicuous and substantial monuments (Cal. Pub. Res. Code, Chap.4, Sec.2316) for all types of claims and sites



Other monuments can be used if they are conspicuous and substantial.

Figure F-1. Methods of describing and monumenting mining claims and mill sites in California.

Types of Mining Claims and Mill Sites, and Disseminated Deposits

Lode Mining Claims:

A lode mining claim is a claim that typically covers a valuable lode, vein, ledge, tabular deposit, or other rock in place between definite walls or boundaries.

The following section is from 30 USC 23.

> Mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located prior to May 10, 1872, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining-claim located after the 10th day of May 1872, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the 10th day of May 1872 render such limitation necessary. The end lines of each claim shall be parallel to each other.

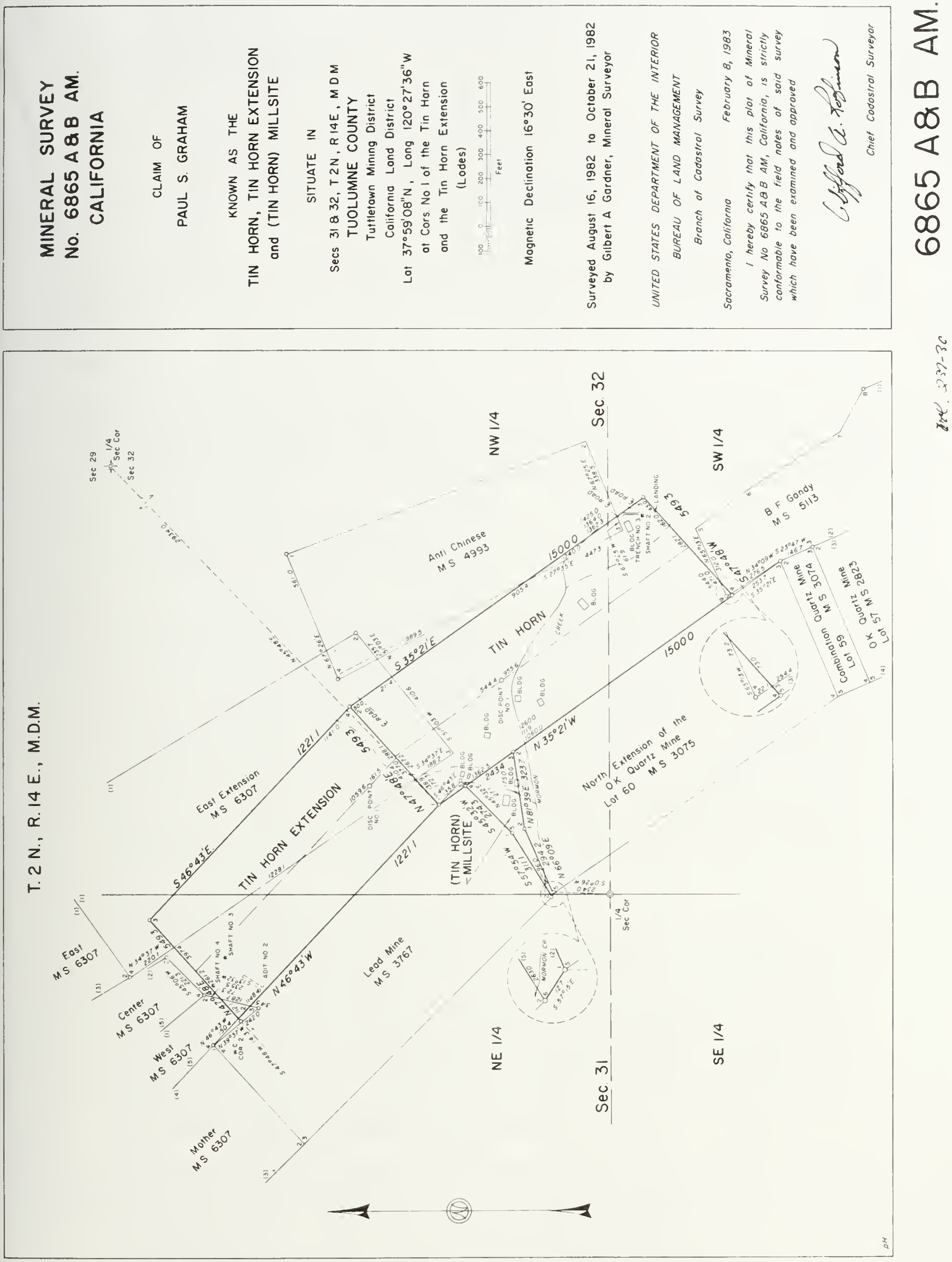
See Map M-2, page 21 for an example of a mineral survey of two lode mining claims and mill site. See also Attachment 1, 43 CFR Subpart 3862.

Placer Mining Claims:

Placer mining claims are used for placer deposits and are described at 30 USC 35 as follows:

> Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands. And where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the 10th day of May 1872, shall conform as near as practicable with the United States system of public land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands......

An example of placer mining claims that required a mineral survey are shown on Map M-3, page 22. See also Attachment 1, 43 CFR Subpart 3863.



MINERAL SURVEY
No. 6865 A&B AM.
CALIFORNIA

CLAIM OF
PAUL S. GRAHAM

KNOWN AS THE
TIN HORN, TIN HORN EXTENSION
and (TIN HORN) MILLSITE

SITUATE IN
Secs 31 & 32, T 2N, R 14E, M D M
TUOLUMNE COUNTY
Tuttletown Mining District
California Land District
Lat 37°59'08"N, Long 120°27'36"W
at Cors No 1 of the Tin Horn
and the Tin Horn Extension
(Lodes)

Magnetic Declination 16°30' East

Surveyed August 16, 1982 to October 21, 1982
by Gilbert A Gardner, Mineral Surveyor

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Branch of Cadastral Survey

Sacramento, California February 8, 1983

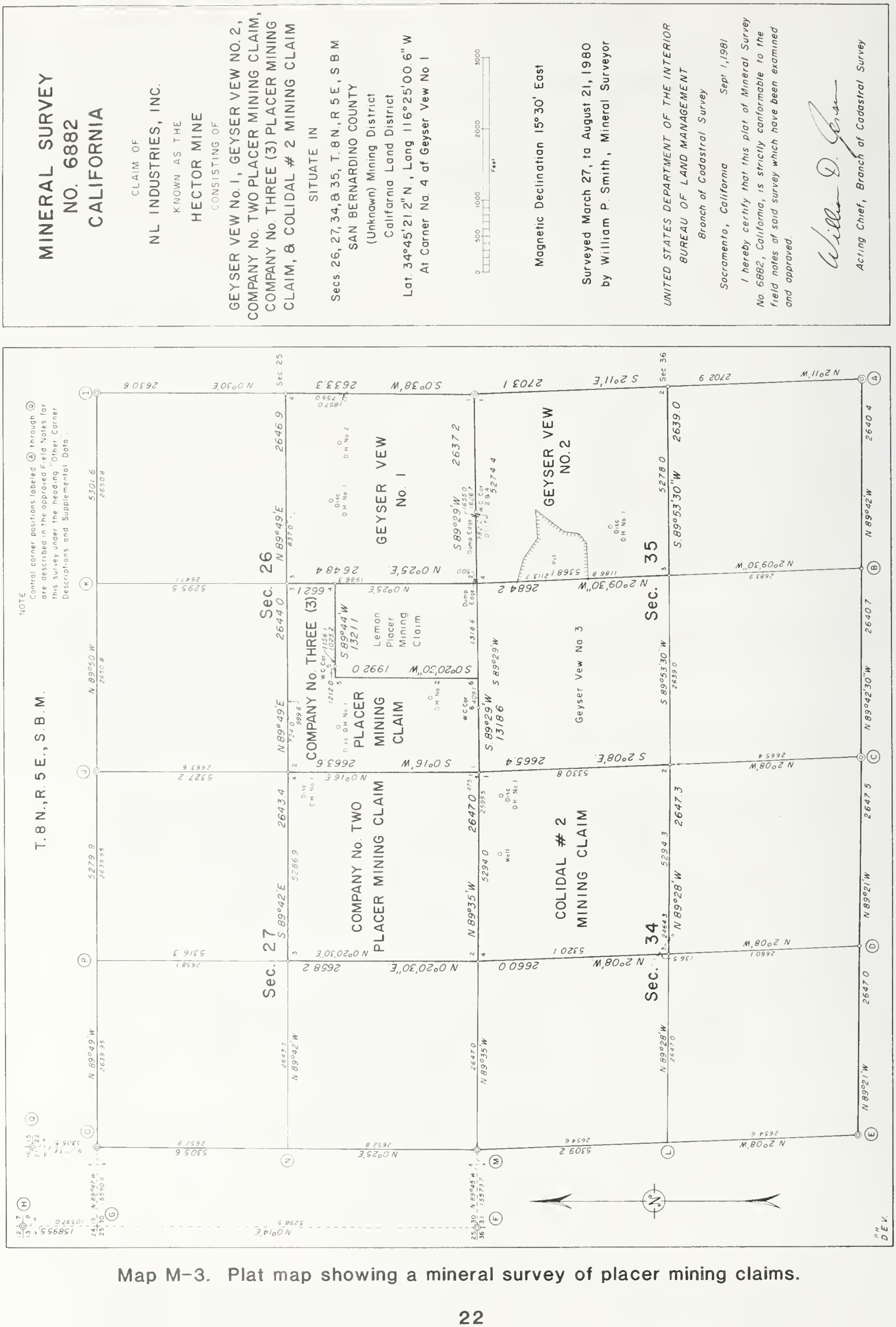
I hereby certify that this plat of Mineral Survey No 6865 A&B AM, California, is strictly conformable to the field notes of said survey which have been examined and approved

Clifford A. Robinson
Chief Cadastral Surveyor

6865 A&B AM.

Map M-2. Plat map showing a mineral survey of two lode mining claims and one irregular mill site.

Int. 232-30


MINERAL SURVEY
NO. 6882
CALIFORNIA
CLAIM OF
NL INDUSTRIES, INC.
KNOWN AS THE
HECTOR MINE
CONSISTING OF
GEYSER VEW No. 1, GEYSER VEW NO. 2, COMPANY No. TWO PLACER MINING CLAIM, COMPANY No. THREE (3) PLACER MINING CLAIM, & COLIDAL # 2 MINING CLAIM
SITUATE IN
Secs. 26, 27, 34, & 35, T. 8 N., R 5 E., S B M
SAN BERNARDINO COUNTY
(Unknown) Mining District
California Land District
Lat. 34°45'21.2" N., Long 116°25'00.6" W
At Corner No. 4 of Geyser Vew No 1
0
500
1000
2000
3000
Feet
Magnetic Declination 15°30' East
Surveyed March 27, to August 21, 1980
by William P. Smith, Mineral Surveyor
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Branch of Cadastral Survey
Sacramento, California
Sept 1, 1981
I hereby certify that this plat of Mineral Survey No. 6882, California, is strictly conformable to the field notes of said survey which have been examined and approved.
William D. Jones
Acting Chief, Branch of Cadastral Survey
6882
T. 8 N., R. 5 E., S. B. M.
NOTE
Control corner positions labeled Ⓐ through Ⓠ are described in the approved Field Notes for this survey under the heading "Other Corner Descriptions and Supplemental Data".
Sec. 26
Sec. 27
Sec. 34
Sec. 35
Sec 25
Sec 36
GEYSER VEW No. 1
GEYSER VEW NO. 2
COMPANY No. THREE (3) PLACER MINING CLAIM
COMPANY No. TWO PLACER MINING CLAIM
COLIDAL # 2 MINING CLAIM
Lemon Placer Mining Claim
Geyser Vew No 3
Pit
Dump Edge
Well
Disc DH No 1
DH No 2
N 89°49'E
S 89°42'E
N 89°35'W
S 89°29'W
N 89°28'W
S 89°53'30"W
N 89°42'W
N 89°21'W
N 89°50'W
N 89°49'W
N 89°42'30"W
S 89°44'W
N 0°25'E
N 0°20'30"E
S 0°16'W
S 0°38'W
S 2°11'E
S 2°08'E
N 2°08'W
N 2°09'30"W
N 2°11'W
N 0°30'E
N 0°14'E
N 0°20'30"W
S 0°20'30"W
2646.9
2644.0
2643.4
2647.0
2637.2
2639.0
2647.3
2640.4
2640.7
2647.5
5301.6
5279.9
5294.0
5294.3
5278.0
2633.3
2648.4
2663.6
2658.2
2703.1
2684.2
2665.4
2660.0
1321.1
1318.6
1992.0
P.H.
DEV.

Map M-3. Plat map showing a mineral survey of placer mining claims.

Disseminated Deposits:

Disseminated deposits in California are mostly gold, outlined through exploratory drilling, and presumed to underlie most of the lode mining claim involved. Because there is no vein or ledge no apex rights are granted. The claim is not surveyed in the exact same manner as is a typical lode claim, as no centerline is surveyed. Also a statement must be made by the mineral patent applicant or his qualified agent to the effect that their claims cover a disseminated deposit.

Map M-4, page 24 shows a Master Title Plat (MTP) on which Mineral Survey (MS) 6930 is outlined and a portion of it has been patented. Map M-5 is a copy of the actual MS 6930 plat. This survey is for a disseminated gold deposit in the California desert.

Mill Sites:

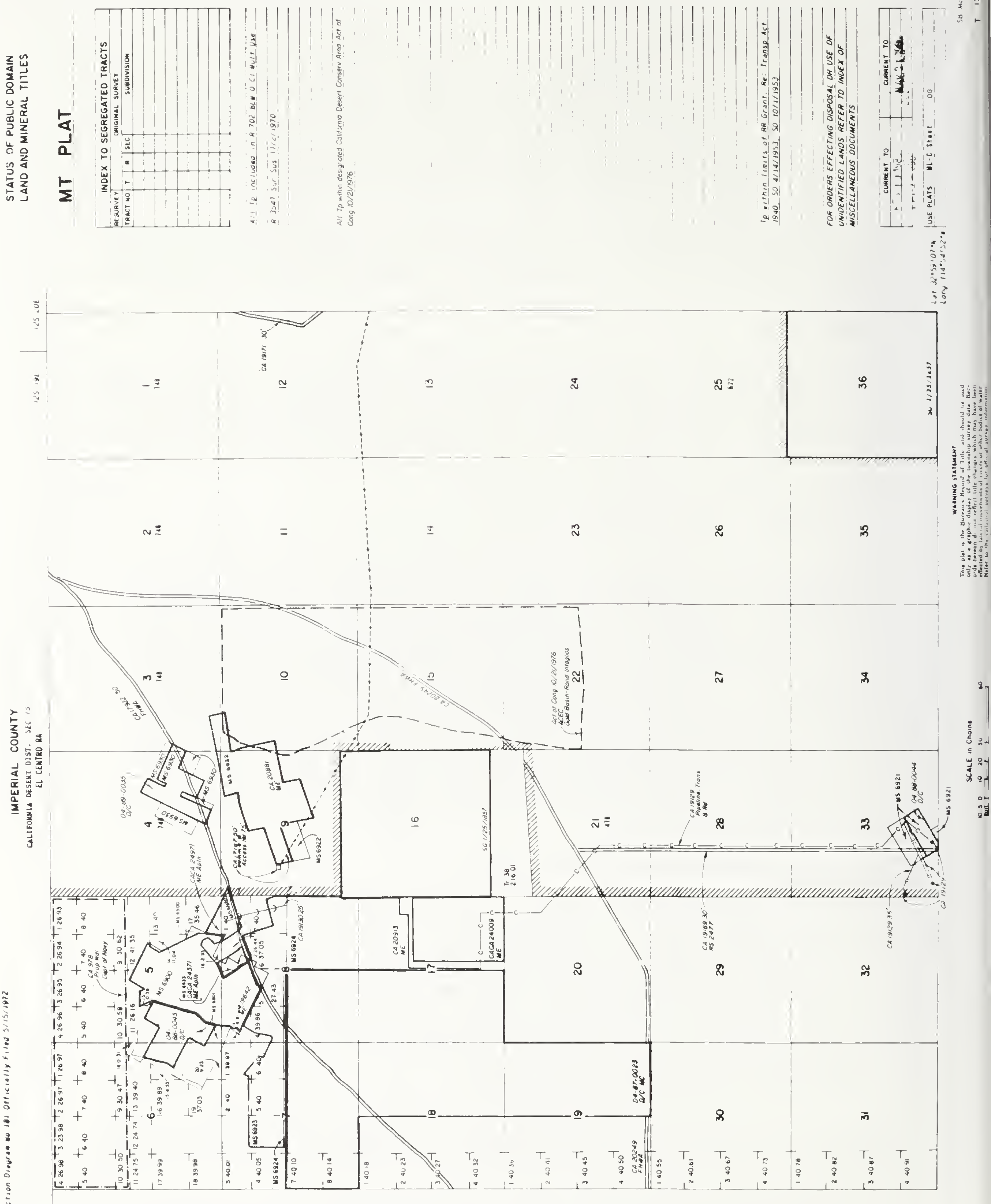
Under mining laws and regulations the owner(s) of a valid mining claim can in good faith locate as much as 5 acres of nonmineral land as a mill site for proper mill site uses. Also, the owner(s) of a custom quartz mill or reduction works, independent of any mining claim, may locate as much as 5 acres of nonmineral land as a mill site.

The following section is taken from 30 USC 42:

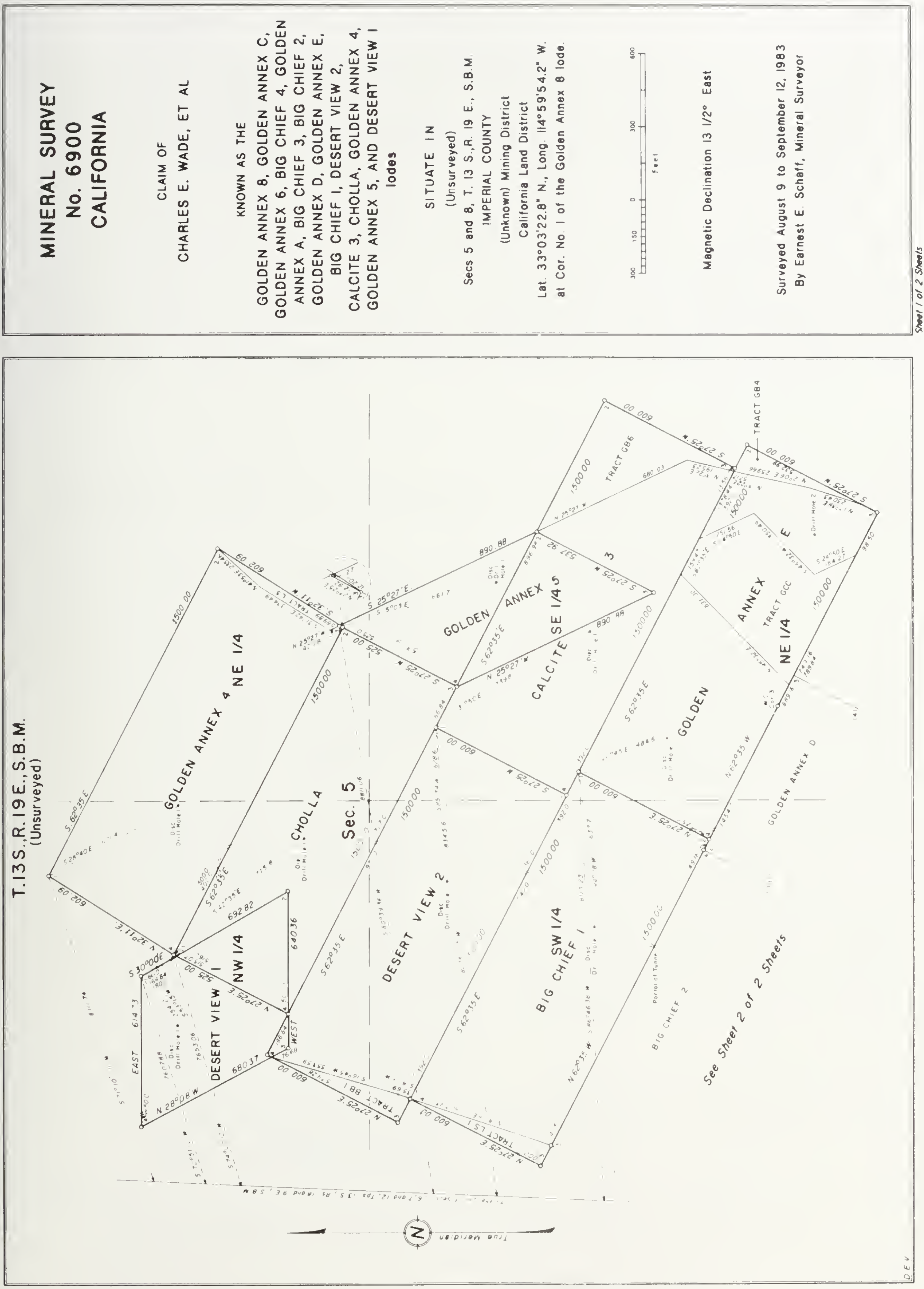
> (a) Mill sites associated with lode claims
>
> Where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location made on and after May 10, 1872 of such nonadjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by sections 21, 22 to 24, 26 to 28, 29, 30, 33 to 48, 50 to 52, 71 to 76 of this title and section 661 of Title 43 for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section.
>
> (b) Mill sites associated with placer claims
>
> Where nonmineral land is needed by the proprietor of a placer claim for mining, milling, processing, benefication, or other operations in connection with such claim, and is used or occupied by the proprietor for such purposes, such land may be included in an application for a patent for such claim, and may be patented therewith subject to the same requirements as to survey and notice as are applicable to placers. No location made of such nonmineral land shall exceed five acres and payment for the same shall be made at the rate applicable to placer claims which do not include a vein or lode.

See Maps M-2, page 21 and M-6, page 26 for an example of a mineral survey of an irregular and a regular shaped mill site. See also Attachment 1, 43 CFR Subpart 3864.

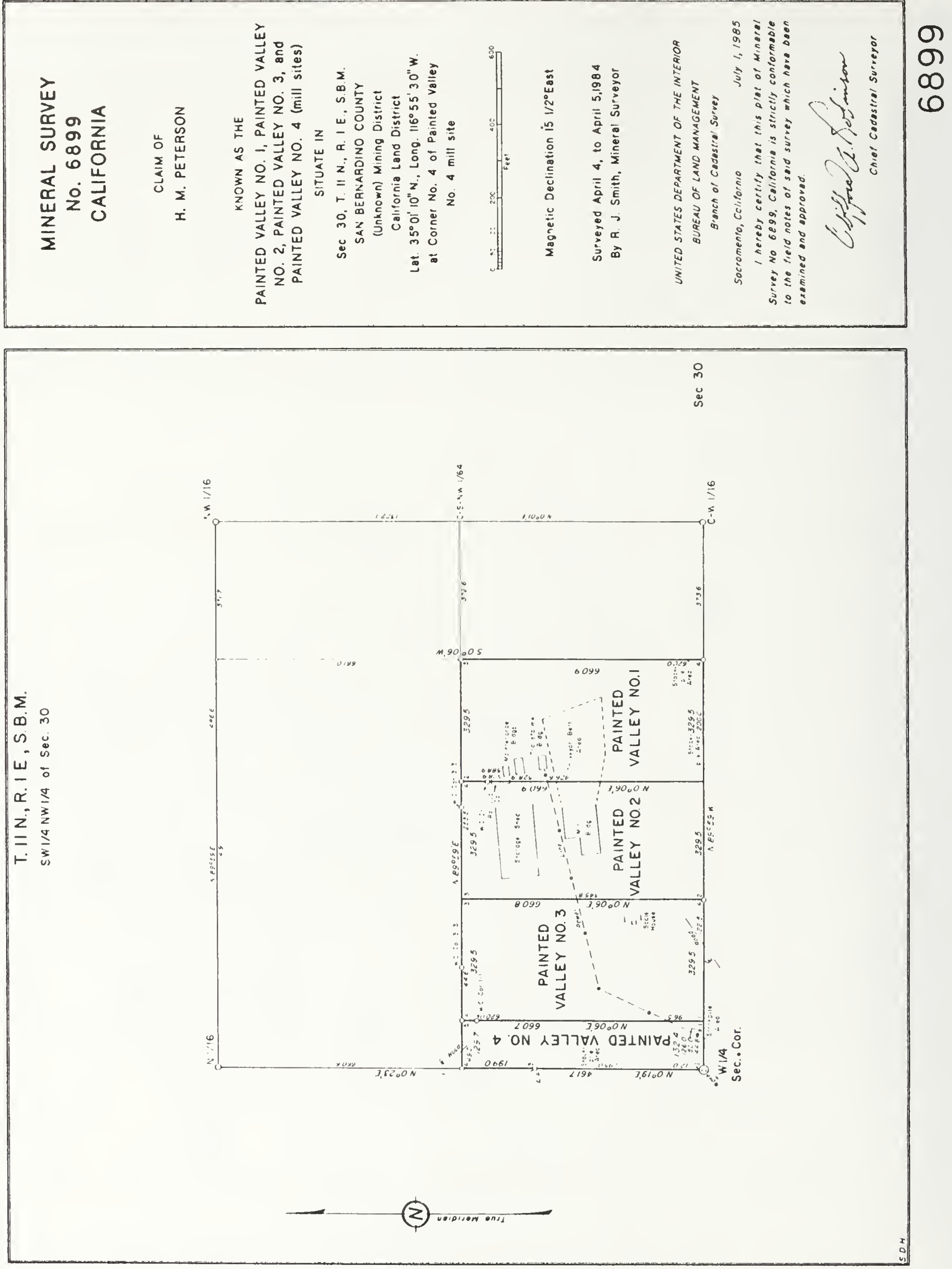
PARTIALLY SURVEYED TOWNSHIP 13 SOUTH RANGE 19 EAST OF THE SAN BERNARDINO MERIDIAN, CALIFORNIA


STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES
MT PLAT
INDEX TO SEGREGATED TRACTS
RESURVEY TRACT NO
T
R
SEC
ORIGINAL SURVEY
SUBDIVISION
All Tp included in R 702 BLM O C1 Mult Use
R 3547 Sur Sus 11/2/1970
All Tp within designated California Desert Conserv Area Act of Cong 10/21/1976
Tp within limits of RR Grant. Re: Transp Act 1940 SO 4/14/1953 SO 10/1/1953
FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS
CURRENT TO
USE PLATS
Lat 32°59'07"N Long 114°54'52"W
T 13S
IMPERIAL COUNTY
CALIFORNIA DESERT DIST. SEC 15
EL CENTRO RA
Protraction Diagram No 181 Officially Filed 5/15/1972
WARNING STATEMENT
SCALE in Chains
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
MS 6921
MS 6922
MS 6923
MS 6924
MS 6930
CA 19129 Pipeline Trans 8 Rd
Act of Cong 10/21/1976 ACEC Gold Basin-Rand Intaglios
CA 20245 FHWA
CA 978 Prop Wdl Dept of Navy
Tr 38
SG 1/25/1857

Map M-4. Master Title Plat (MTP) showing lode mining claim and mill site mineral surveys.


6900
MINERAL SURVEY
No. 6900
CALIFORNIA
CLAIM OF
CHARLES E. WADE, ET AL
KNOWN AS THE
GOLDEN ANNEX 8, GOLDEN ANNEX C, GOLDEN ANNEX 6, BIG CHIEF 4, GOLDEN ANNEX A, BIG CHIEF 3, BIG CHIEF 2, GOLDEN ANNEX D, GOLDEN ANNEX E, BIG CHIEF I, DESERT VIEW 2, CALCITE 3, CHOLLA, GOLDEN ANNEX 4, GOLDEN ANNEX 5, AND DESERT VIEW I lodes
SITUATE IN
(Unsurveyed)
Secs 5 and 8, T. 13 S., R. 19 E., S.B.M.
IMPERIAL COUNTY
(Unknown) Mining District
California Land District
Lat. 33°03'22.8" N., Long. 114°59'54.2" W. at Cor. No. 1 of the Golden Annex 8 lode.
Feet
Magnetic Declination 13 1/2° East
Surveyed August 9 to September 12, 1983
By Earnest E. Schaff, Mineral Surveyor
Sheet 1 of 2 Sheets
T.13S.,R.19E.,S.B.M.
(Unsurveyed)
Sec. 5
GOLDEN ANNEX 4 NE 1/4
CHOLLA
DESERT VIEW 1 NW 1/4
DESERT VIEW 2
GOLDEN ANNEX SE 1/4 5
CALCITE 3
BIG CHIEF 1 SW 1/4
GOLDEN ANNEX E NE 1/4
GOLDEN
GOLDEN ANNEX D
BIG CHIEF 2
TRACT GB6
TRACT GB4
TRACT GCC
TRACT BB1
TRACT LS1
EAST
WEST
Disc Drill Hole
Portal of Tunnel
See Sheet 2 of 2 Sheets
True Meridian
N

Map M-5. Plat map showing a mineral survey of lode mining claims on a disseminated gold deposit.


MINERAL SURVEY
No. 6899
CALIFORNIA
CLAIM OF
H. M. PETERSON
KNOWN AS THE
PAINTED VALLEY NO. 1, PAINTED VALLEY NO. 2, PAINTED VALLEY NO. 3, and PAINTED VALLEY NO. 4 (mill sites)
SITUATE IN
Sec 30, T. 11 N., R. 1 E., S.B.M.
SAN BERNARDINO COUNTY
(Unknown) Mining District
California Land District
Lat. 35°01' 10" N., Long. 116°55' 30" W.
at Corner No. 4 of Painted Valley No. 4 mill site
Feet
Magnetic Declination 15 1/2° East
Surveyed April 4, to April 5, 1984
By R. J. Smith, Mineral Surveyor
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Branch of Cadastral Survey
Sacramento, California July 1, 1985
I hereby certify that this plat of Mineral Survey No 6899, California is strictly conformable to the field notes of said survey which have been examined and approved.
Chief Cadastral Surveyor
6899
T. 11 N., R. 1 E., S.B.M.
SW1/4 NW1/4 of Sec. 30
Sec 30
PAINTED VALLEY NO. 1
PAINTED VALLEY NO. 2
PAINTED VALLEY NO. 3
PAINTED VALLEY NO. 4
W 1/4 Sec. Cor.
C-W 1/16
3295
True Meridian
S D H

Map M-6. Plat map showing a mineral survey of regular mill sites.

Mining Districts

Prior to 1866 no provisions had been made by the Congress of the United States for the disposition of the minerals on the public domain. Therefore, prospectors and miners formed mining districts to provide self government and to maintain law and order.

Today, in California, the mining districts exist in name only. As county governments were set up, the mining districts turned their records over to the county recorders and left the making and enforcement of local mining laws to the county and state government. So, in order to stay within the mineral patent regulations, if the latest location notice shows a mining district, it will be shown on the patent mineral survey and the mineral patent. If there is no mining district shown on the location notice, the mineral patent will read "Unknown" Mining District. This will be consistent with the "Land Description in Patents" (43 CFR 3862.8-1).

Application For Mineral Patent Survey

Application for survey must be made by the claimant(s) or his agent on the current Form 3860-5. The instructions are on the reverse of the form (Form FM-1, page 28).

1. The name of the applicant (claimant) should be given exactly as it is to appear in the patent, together with his mailing address.

2. Group Name (if any). If the claims are known by a group name, it should be placed here. If they do not have a group name this item is left blank.

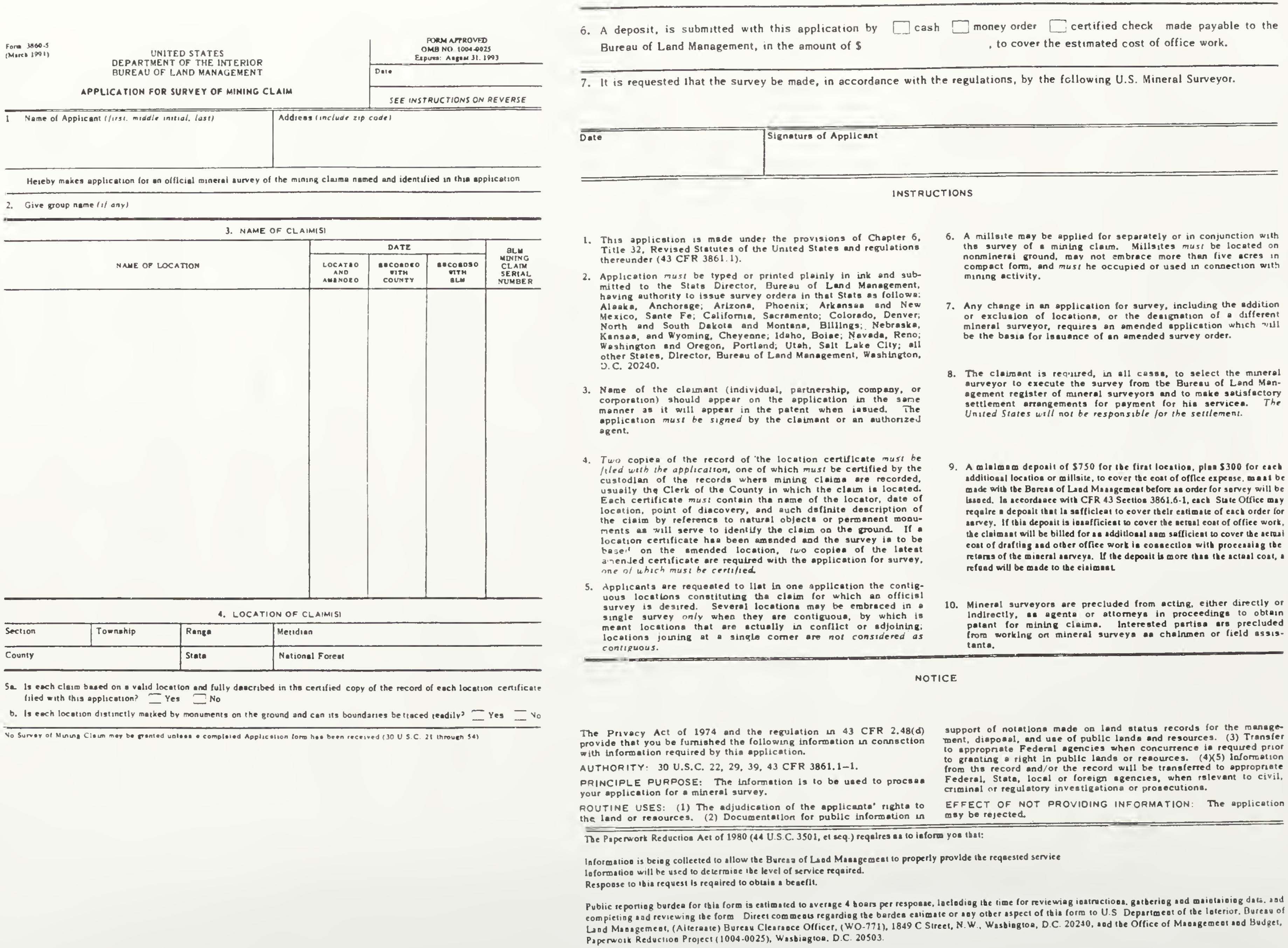
3. Name(s) of claim(s) must appear exactly as they are shown on the location notice, (Ruffy No. 1 should not be given as Ruffy #1). The date the claim was first located and recorded in the present chain of title must be given. Under dates of amendment enter only the last amendment made.

4. The location of the claims by section, township and range must be given (stating that the section lines are unsurveyed, if based on protracted survey lines). County and state must be given. If not within a national forest, "None" should be used in the space provided.

5a. To support the application, furnish two copies of the location notice (or last amendment with the original location and recordation date shown thereon). One copy must be certified by the custodian of the records where the mining claims are locally recorded, usually the County Recorder.

5b. The claim location must be distinctly monumented on the ground, so that its boundaries can be readily traced.

6. In accordance with the instructions, a deposit in the proper amount must be made to cover the costs of BLM processing the survey. The current California deposits are $750 for the first location, plus $300 for each additional contiguous location.



Form 3860-5
(March 1991)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR SURVEY OF MINING CLAIM

FORM APPROVED
OMB NO. 1004-0025
Expires: August 31, 1993

Date

SEE INSTRUCTIONS ON REVERSE

1 Name of Applicant *(first, middle initial, last)*	Address *(include zip code)*

Hereby makes application for an official mineral survey of the mining claims named and identified in this application

2. Give group name *(if any)*

3. NAME OF CLAIM(S)

NAME OF LOCATION	DATE			BLM MINING CLAIM SERIAL NUMBER
	LOCATED AND AMENDED	RECORDED WITH COUNTY	RECORDED WITH BLM	

4. LOCATION OF CLAIM(S)

Section	Township	Range	Meridian
County		State	National Forest

5a. Is each claim based on a valid location and fully described in the certified copy of the record of each location certificate filed with this application? ☐ Yes ☐ No

b. Is each location distinctly marked by monuments on the ground and can its boundaries be traced readily? ☐ Yes ☐ No

No Survey of Mining Claim may be granted unless a completed Application form has been received (30 U.S.C. 21 through 54)

6. A deposit, is submitted with this application by ☐ cash ☐ money order ☐ certified check made payable to the Bureau of Land Management, in the amount of $, to cover the estimated cost of office work.

7. It is requested that the survey be made, in accordance with the regulations, by the following U.S. Mineral Surveyor.

Date	Signature of Applicant

INSTRUCTIONS

1. This application is made under the provisions of Chapter 6, Title 32, Revised Statutes of the United States and regulations thereunder (43 CFR 3861.1).

2. Application *must* be typed or printed plainly in ink and submitted to the State Director, Bureau of Land Management, having authority to issue survey orders in that State as follows: Alaska, Anchorage; Arizona, Phoenix; Arkansas and New Mexico, Sante Fe; California, Sacramento; Colorado, Denver; North and South Dakota and Montana, Billings; Nebraska, Kansas, and Wyoming, Cheyenne; Idaho, Boise; Nevada, Reno; Washington and Oregon, Portland; Utah, Salt Lake City; all other States, Director, Bureau of Land Management, Washington, D.C. 20240.

3. Name of the claimant (individual, partnership, company, or corporation) should appear on the application in the same manner as it will appear in the patent when issued. The application *must be signed* by the claimant or an authorized agent.

4. *Two* copies of the record of the location certificate *must be filed with the application*, one of which *must* be certified by the custodian of the records where mining claims are recorded, usually the Clerk of the County in which the claim is located. Each certificate *must* contain the name of the locator, date of location, point of discovery, and such definite description of the claim by reference to natural objects or permanent monuments as will serve to identify the claim on the ground. If a location certificate has been amended and the survey is to be based on the amended location, *two* copies of the latest amended certificate are required with the application for survey, *one of which must be certified.*

5. Applicants are requested to list in one application the contiguous locations constituting the claim for which an official survey is desired. Several locations may be embraced in a single survey *only* when they are contiguous, by which is meant locations that are actually in conflict or adjoining; locations joining at a single corner are *not considered as contiguous.*

6. A millsite may be applied for separately or in conjunction with the survey of a mining claim. Millsites *must* be located on nonmineral ground, may not embrace more than five acres in compact form, and *must* be occupied or used in connection with mining activity.

7. Any change in an application for survey, including the addition or exclusion of locations, or the designation of a different mineral surveyor, requires an amended application which will be the basis for issuance of an amended survey order.

8. The claimant is required, in all cases, to select the mineral surveyor to execute the survey from the Bureau of Land Management register of mineral surveyors and to make satisfactory settlement arrangements for payment for his services. *The United States will not be responsible for the settlement.*

9. A minimum deposit of $750 for the first location, plus $300 for each additional location or millsite, to cover the cost of office expense, must be made with the Bureau of Land Management before an order for survey will be issued. In accordance with CFR 43 Section 3861.6-1, each State Office may require a deposit that is sufficient to cover their estimate of each order for survey. If this deposit is insufficient to cover the actual cost of office work, the claimant will be billed for an additional sum sufficient to cover the actual cost of drafting and other office work in connection with processing the returns of the mineral surveys. If the deposit is more than the actual cost, a refund will be made to the claimant.

10. Mineral surveyors are precluded from acting, either directly or indirectly, as agents or attorneys in proceedings to obtain patent for mining claims. Interested parties are precluded from working on mineral surveys as chainmen or field assistants.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22, 29, 39, 43 CFR 3861.1-1.

PRINCIPLE PURPOSE: The information is to be used to process your application for a mineral survey.

ROUTINE USES: (1) The adjudication of the applicants' rights to the land or resources. (2) Documentation for public information in support of notations made on land status records for the management, disposal, and use of public lands and resources. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: The application may be rejected.

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) requires us to inform you that:

Information is being collected to allow the Bureau of Land Management to properly provide the requested service
Information will be used to determine the level of service required.
Response to this request is required to obtain a benefit.

Public reporting burden for this form is estimated to average 4 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management, (Alternate) Bureau Clearance Officer, (WO-771), 1849 C Street, N.W., Washington, D.C. 20240, and the Office of Management and Budget, Paperwork Reduction Project (1004-0025), Washington, D.C. 20503.

Form FM-1. Application for survey of mining claim.

7a. The mineral surveyor designated must be one with whom prior arrangements have been made for the survey. The BLM may request proof, in the form of a simple letter from the mineral surveyor stating he has agreed to make the survey. The application should be dated and signed by the applicant(s), if a corporation, by the authorized officer, or by the Attorney-in-fact, if by an agent acting for the applicant. Proof of authorized signature will not be required at this time, but will be required at the time application for patent is made.

7b. Several claims, generally limited to 50 in number, may be embraced in a single survey providing they are contiguous, i.e., not merely cornering; they must adjoin with common boundaries or overlap. The number 50 is arbitrary, however, our experience has been that surveys in excess of this are difficult to process. Only a surveyor appointed by the BLM may perform a mineral survey for a patent application.

Selection Of A U.S. Mineral Surveyor

Although basically a land surveyor, the mineral surveyor should have a working knowledge of geology, ore deposits, and the principles of mining in order to properly execute his work. Many factors enter into the ultimate cost of a mineral survey, such as the terrain, distance from centers of population, condition of the public land survey, number of conflicts with prior surveys and patents, the age of conflicting surveys, weather conditions, and inflation. Fees should be a secondary consideration when selecting a mineral surveyor. A complete and quality job is essential. Many of the early day surveys of the public lands resulted in poor or even fraudulent work because of the low contract price.

If a mineral surveyor has had considerable experience in an area, he may agree to a fixed price per claim, plus a fixed price per conflict and per mile of retracement of section lines when the subdivision of a section is required. An alternative to this is a daily or hourly fee for each principal or party chief and assistant, plus expense at cost, which assures the BLM and the claimant that quality will not be sacrificed because of cost. In the latter case, the mineral surveyor should provide the claimant with an estimate so that he will be prepared to meet his invoices. Either type of contract should provide for periodic payments, and the mineral surveyor is justified in requesting an advance deposit. In any event, the arrangement between the mineral surveyor and the claimant is a private contract, and the BLM is not responsible. An up-to-date roster of mineral surveyors is available at any BLM office or you may write to the BLM State Office requesting a copy (see Attachment 2).

The address is:

Bureau of Land Management
California State Office
Federal Office Building, Rm. E-2807
2800 Cottage Way
Sacramento, CA 95825

Survey Authorization (Order For Survey)

An order for a mineral survey must be issued from the State Office of the BLM in the state where the claim is situated (see Model Format MF-1, page 31). The Order for Survey is issued in memorandum form, from the Chief, Branch of Cadastral Survey, and the information is essentially the same as contained in the application for survey. The next consecutive survey number is assigned; the mineral survey number of a cancelled survey will not be used again, unless reopened as an amended survey and would then be shown with an "AM", following the mineral survey number. Lodes and placers may be included in the same survey. If a mill site is included, it is designated by adding the letter "B" to the survey number; the other claims being designated "A". A copy of the location notices are furnished to the mineral surveyor, and a copy to the Regional Forester if the claims are within a National Forest, or the National Park Service if within a National Park or Monument.

If after an order for survey has been issued the claimant finds the location notice does not practically describe the location as staked on the ground, he should file an amended location notice, correctly describing the claim, and obtain an amended order for survey. In fact, any change in the original order including the addition or dropping of locations or the designation of a different surveyor calls for an amended order. Also if the claimant sells the claims, an amended order will be required to show the new claimant. An amended order may be used to authorize the survey of additional expenditures if the survey was approved, but less than $500 worth of expenditures had been made. The most common reasons for cancelling an order for survey are at the request of the claimant and for various reasons beyond the control of the mineral surveyors such as illness, weather conditions, nonpayment, or a contest brought by the United States. Under any circumstances, both the claimant and the mineral surveyor will be advised by certified mail 30 days in advance of the action and will be requested to show why the order should not be cancelled. Lacking a reasonable explanation, the order will be cancelled, notifying both the claimant and the mineral surveyor, and any excess deposit is refunded to the claimant.

On occasion an Order for Survey will be cancelled and it is not known how far the mineral surveyor has proceeded with the field work and what corners have been set and marked. In no case should the corners be removed as they still serve as corners of the location which may be perfectly valid.

When all field work is accomplished the mineral surveyor prepares a preliminary plat and field notes for submittal to the Chief, Branch of Cadastral Survey. In order that the results of the survey be reported in a uniform manner, the plat and field notes are prepared in strict conformity with the specimen plat and field notes found in the Manual of Surveying Instructions, 1973 edition.

Office Examination and Review

The examination of the survey usually begins by reading the notes and comparing them with the preliminary plat. As a general rule the mineral surveyor will write the notes from the plat. If inconsistencies appear, they usually are typographical errors in the notes, however, this must be verified by the mineral surveyor whether it be a lode, placer, or millsite. The field note format is designed to furnish all the needed information concerning the manner of describing the boundaries, corners, lode lines, connections, intersections, conflicts, improvements, magnetic declination, area, location, and other data necessary for processing.

STATE OFFICE
Federal Office Building
2800 Cottage Way
Sacramento, California 95825

9605
MS____
(CA-942)

Memorandum

To: ______________________, Mineral Surveyor

From: Chief, Branch of Cadastral Survey

Subject: Order for Mineral Survey No. _____________

Application dated _______________, 19_____, has been filed in this office by ________________________, for an official survey of a mining claim situate in _______________, Township _________, Range _________, _____________ Meridian, __________ Mining District, County of _________________, in the State of California.

The mining claim is fully described on the attached copy of the location notice. The claim consists of the location(s) named, located, and recorded as follows:

NAME OF LOCATION	DATE LOCATED AND AMENDED	DATE RECORDED COUNTY	DATE RECORDED BLM	BLM CALIFORNIA MINING CLAIM (CAMC) SERIAL NO.

You are hereby directed to make the survey of said claim in strict conformity with existing laws, official regulations, and instructions thereunder, and make proper return of the survey to this office. This survey will be designated as Mineral Survey No. _________.

The field note record will contain a technical record of the entire procedure, giving the precise course and length of each line surveyed, with a full and complete description of all monuments established or reestablished. True line diagrams (Manual 10-41) which form the basis of the official plat, the ultimate purpose of which is a complete graphic representation of the public lands surveyed, will be made.

Should the occasion arise appearing to demand additional instructions, the Mineral Surveyor will be expected to promptly submit a report of the situation together with a recommendation for office consideration and action.

Attachment
Location Notices (cy)

Model Format MF-1. Typical order for mineral survey.

The area statement should show all conflicts and be so arranged that any exclusion may be easily made and the net area to be patented readily obtainable. End lines on a lode claim must be parallel and the statutory length and width of a lode claim cannot be exceeded. Claim improvement should be fairly valued and the discovery point should agree with that given in the location notice. Calculations are verified, computing the solar observation; the declination's verified, also the latitude and longitude. The survey should close 1 ft. in 2000 feet. All areas should check within 0.02 acres.

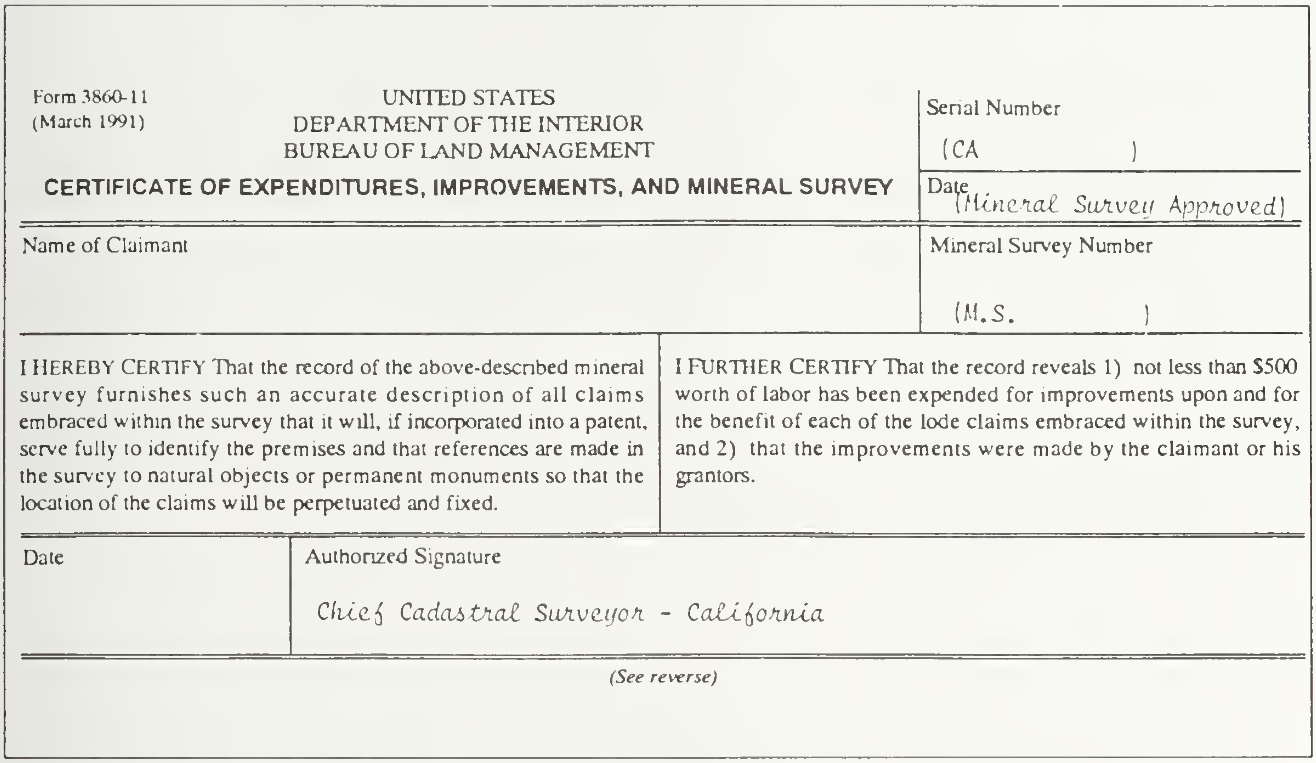
Under the heading "MEMORANDUM" the Mineral Surveyor explains any differences with the calls given in the location notice, as well as typographical errors in the notice. Under the heading "LOCATION" it is important to state that the survey is identical with the location as marked on the ground or to state the differences. When describing corners, ties should be given to the location monuments when they are not identical. Only those improvements counting toward the $500 expenditure are to be given under the heading "IMPROVEMENTS". In such case, the discovery working should be numbered No. 1. Any improvements that do not count toward the patent expenditure or those that have been made by others should be listed under "OTHER IMPROVEMENTS".

"OTHER CORNER DESCRIPTIONS AND SUPPLEMENTAL DATA" is a very important part of the notes, since it contains the report on prior surveys. Minor discrepancies in bearings and distances between mineral surveys and BLM rectangular surveys are not reported. The phrase "substantially correct as approved" may be used or "approximately correct as approved". Chapter IX of the Manual of Surveying Instructions, 1973 edition covers the essentials of plat drafting, and Chapter X gives technical direction to the Mineral Surveyor.

The California State Office uses only two preprinted forms in the Mineral Survey Process. They are Form 3860-5 "Application for Survey of Mining Claims" and Form 3860-8 "Certificate of Expenditures, Improvements, and Mineral Survey" (see Forms FM-2, page 33 and FM-3, page 34).

Approved Patent Survey Plat and Field Notes

The patent mineral survey is approved in the California State Office by the Chief Cadastral Surveyor. Current Form 3860-8, certifying the $500 expenditure, must also be executed by the above authorized officer and is attached to the original signed field notes along with the certified location notices. After approval, the plat and field notes are reproduced and the survey returns are distributed in accordance with existing regulations. The original plat and field notes are then filmed and copies of the film are placed in the open files of BLM, Survey Records Unit, California State Office, Sacramento. Copies of any of the Survey Records are available to the public.



Form 3860-11
(March 1991)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CERTIFICATE OF EXPENDITURES, IMPROVEMENTS, AND MINERAL SURVEY

Serial Number (CA)

Date (Mineral Survey Approved)

Name of Claimant

Mineral Survey Number (M.S.)

I HEREBY CERTIFY That the record of the above-described mineral survey furnishes such an accurate description of all claims embraced within the survey that it will, if incorporated into a patent, serve fully to identify the premises and that references are made in the survey to natural objects or permanent monuments so that the location of the claims will be perpetuated and fixed.

I FURTHER CERTIFY That the record reveals 1) not less than $500 worth of labor has been expended for improvements upon and for the benefit of each of the lode claims embraced within the survey, and 2) that the improvements were made by the claimant or his grantors.

Date

Authorized Signature
Chief Cadastral Surveyor - California

(See reverse)

INSTRUCTIONS

1. Title 43 Code of Federal Regulations 3861.2-2 requires that this *Certificate* be filed with the manager of the proper BLM office by an applicant for patent at time of filing the application or at any time within the sixty (60) days of publication.
2. If the record shows that the expenditures for improvements equal or exceed $500 at the time of survey then this form should be attached by the cadastral engineer (Chief, Cadastral Surveyor) to the claimant's copy of the field notes.
3. If the record shows that the expenditures for improvements do not equal or exceed $500 at the time of survey then it is the responsibility of the applicant to have this form executed by the Chief Cadastral Surveyor and filed with the manager of the proper BLM office during the 60-day publication period.

Form FM-2. Certificate of expenditures, improvements, and mineral survey (used when a mining claim has a mineral survey).

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CERTIFICATE OF MINERAL SURVEY

I, ________________________, HEREBY CERTIFY that in pursuance of an order received from the Bureau of Land Management, Division of Operations, Branch of Cadastral Survey at Sacramento, California, dated ________________, 19____, I have carefully executed the survey of the claim of ___________________________, known as the ____, situate in ______________________________ Meridian, County of _______________, in the State of California.

This mineral survey, designated as number _________, has been executed by me and under my direction, and has been made in strict conformity with said order, the Manual of Instructions for the Survey of the Public Lands of the United States, and in specific manner described in the foregoing field notes.

NOTE: The following paragraph applies to mining claims only and not mill sites.

I FURTHER CERTIFY that the labor expended and improvements made upon and for the benefit of the _____________ location(s) embraced in the said mining claim by claimant(s) or grantor(s) are fully stated in my report. The character, extent, location, and itemized value are specified in full detail. No portion of, or interest in, said labor and improvements so credited to this claim has been included in the estimate of expenditures upon any other claim.

____
Date

____
(surveyor's name)
Mineral Surveyor

CERTIFICATE OF APPROVAL

BUREAU OF LAND MANAGEMENT
Sacramento, California

The foregoing field notes of Mineral Survey No. _______________________, in ____, in Township __________, Range ______________, ________________ Meridian, _________ County, California, executed by ________________________, Mineral Surveyor, under order dated _______________, having been critically examined and found correct, are hereby approved.

____
Date

____
Chief Cadastral Surveyor - California

Form FM-3

Good Faith Location

The Branch of Cadastral Survey is often asked to prepare a supplemental plat to provide a new lot designation for mining claims (placers and mill sites) that will be acceptable for patenting purposes. Supplemental plats are based entirely upon the existing office records. While this is acceptable for patenting, it could cause title problems in the future, as could any patent taken by the legal subdivision of a section. The patent does not guarantee that the location of the mining claim on the ground will be identical to the present description of the claim. The resurvey of older original surveys has sometimes revealed quite a different rectangular configuration.

The Manual of Instructions for the Survey of the Public Lands of the United States 1973 edition, at Section 6-11 states:

> There are certain questions of a purely judicial nature involved in resurveys of every description where the decision is to be reserved to the Director of the Bureau of Land Management, particularly those relating to compliance with the general laws in respect to the entry of the public lands. Thus, it comes within the realm of the surveying process to identify and mark out on the ground the various legal subdivision of the public domain, but it is a judicial question beyond the function of the surveyor to determine whether or not specified lands have been duly earned under a certain entry. In the resurvey process the surveyor will determine whether or not lands embraced within a claim as occupied have been correctly related in position to the original survey. (Emphasis in text).

Therefore, it is important for claimants to understand the provisions of the laws relating to resurveys and the term "bona fide rights". At Section 6-13 the Manual states:

> Bona fide rights are those acquired in good faith under the law. A resurvey can affect bona fide rights only in the manner of position or location on the earth's surface. The surveyor will be concerned only with the question of whether the lands covered by such rights have been actually located in good faith. Other questions of good faith (such as priority of occupation, possession, continuous residence, value of improvements and cultivation) do not affect the problem of resurvey except as they help to define the position of the original survey. (Emphasis in text).

Section 6-14 states:

> The basic principles of protecting bona fide rights are the same in either the dependent or the independent resurvey. Each is intended to show the original position of entered or patented lands included in the original description. The dependent resurvey shows them as legal subdivisions, the independent resurvey as segregated tracts. Each is an official demonstration by the Bureau of Land Management according to the best available evidence of the former survey. There is no legal authority for substituting the methods of an independent resurvey in disregard of identified evidence of the original survey.

Section 6-15 states:

> The position of a tract of land, described by legal subdivisions, is absolutely fixed by the original corners and other evidences of the original survey and not by occupation or improvements, or by the lines of a resurvey which do not follow the original. A conveyance of land must describe the parcel to be conveyed so that it may be specifically and exactly identified, and for that purpose the laws direct that a survey be made. Under fundamental law the corners of the original survey are unchangeable. Even if the original survey was poorly executed, it still controls the boundaries of land patented under it.
>
> The surveyor should neither rigidly apply the rules for restoration of lost corners without regard to effect on location of improvements nor accept the position of improvements without question regardless of their relation or irrelation to existing evidence of the original survey.
>
> Between these extremes will be found the basis for determining whether improved lands have been located in good faith or not. No definite set of rules can be laid down in advance. The solution to the problem must be found on the ground by the surveyor. It is his responsibility to resolve the questions of good faith as to location.

It is the responsibility of the claimant to locate in good faith by relating his mining claim taken by legal subdivision to the original survey or resurvey depending on the location date of the claim.

If you have any questions regarding the condition of the rectangular survey that would influence your decision on whether or not to have a mineral survey performed, please visit the Branch of Cadastral Survey. There is always a Cadastral surveyor available to answer your questions.

Also from the Manual, Section 6-18 states:

> Cases will arise where lands have been occupied in good faith, but whose boundaries as occupied disagree with the position of the legal subdivision called for in the description. Obviously the rule of good faith as to location cannot apply; relief must be sought through the process of amended entry under R.S. 2372, as amended (43 U.S.C. 697), to cover the legal subdivisions actually earned, rather than through an alteration of the position of established lines. This is a process of adjudication rather than one of resurvey. A case of this character should be regarded as erroneous location in precisely the same manner as if the question of resurvey were not involved.

MINERAL PATENT APPLICATIONS

By Rose M. Fairbanks and Barbara Gauthier-Warinner

General

The application consists of statements, documentation, and proofs relative to each individual claim. Since no two claims are exactly alike because of background, geology, mining methods, title, etc., preprinted forms are not practical to use. Most of the documentation required will be in the form of a narrative statement made by the applicant. The application consists of three main parts - the initial filings which must be submitted to constitute a preliminary application for patent, subsequent filings which the applicant will be asked to furnish at the proper time during the application process, and the post-publication filings which the applicant will be asked to submit after the 60-day publication period.

The application and all supporting statements must be signed in the land district (State of California), and submitted in DUPLICATE. Proof of citizenship need not be signed in the land district. Individual applicants must sign the application, except that if a claimant is not a resident or is absent from the land district, the application must be signed by an attorney-in-fact within the land district. Evidence of authority to sign should be submitted if the application is signed by other than claimant, i.e.: a) Attorney or agent for individual shown by original or certified copy of power of attorney; b) For corporation shown by certified copy of resolution of Board of Director's appointing or authorizing the proper official to appoint, with original copy.

The application must be accompanied by a nonrefundable filing fee; $250 for the first mining claim or mill site, and $50 for each additional mining claim or mill site. The claims applied for within each application must be contiguous; that is, lying adjacent to one another. Cornering claims are not considered contiguous.

Pre-Application Requirements

Before filing a mineral patent application the applicant must post, in a conspicuous place upon the claim, in the presence of two credible witnesses (See Attachment 1, 43 CFR 3861.7-2), (1) a plat of a Mineral Survey, if applicable; and (2) a Notice of Intent to Apply for Patent. Conspicuous is defined as "open to view; obvious to the eye; easy to be seen; plainly visible."

The Notice of Intent to Apply for Patent must include (1) the date of posting; (2) the mineral survey number (if applicable); (3) claim(s) name; (4) the name of the claimant(s); (5) the county in which the claim is located; (6) the mining district, if not known state "unknown mining district;" and (7) the names of any conflicting or adjoining claims. Conflicting or adjoining claims are shown on the Mineral Survey. See Model Format MF-2, page 51.

The claimant should be careful that no errors are in the notice. For example, claim names must be written as shown on the original location notice, or if there are any amended location notices, show exactly as it appears in the latest amendment. If a claim name on the latest location notice is Smith #1, the claim name in the Notice of Intent to Apply for Patent must also be Smith #1, and not Smith 1 or Smith No. 1. Assure that the legal description is accurate.

Initial Filings

The application must include (in duplicate) the following documents:

Lode Claims:

1) Plat of Mineral Survey and Field Notes.

   A plat of a Mineral Survey must be completed, approved, and posted upon the claim before submitting a mineral patent application. See Maps M-2, page 21, and M-3, page 22.

2) Notice of Intent to Apply for Patent.

   A copy of the Notice of Intent to Apply for Patent which was posted upon the claim is required to be submitted for a mineral patent application. See Model Format MF-2, page 48.

3) Proof of Posting Notice of Intent.

   A statement, signed by at least two credible witnesses, that the Plat of Survey and Notice of Intent to Apply for Patent was conspicuously posted upon the claim. This statement must give the date and place of posting. See Model Format MF-3, page 49.

4) Proof of Improvements.

   For lode claims this consists of Form 3860-8 signed by the authorized officer of the BLM Cadastral Survey, which certifies that not less than $500 has been expended in labor or improvements on each claim listed in the application. See Form FM-2, page 33.

   In addition to the improvements mentioned in the field notes prepared by the office cadastral engineer (43 CFR 3861.2-3), it is proper that the claimant in his application for patent should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest corner of the public surveys.

5) Evidence of Citizenship or Certificate of Corporate Authority.

   Individual applicants who do not appear by an authorized agent must submit a statement showing (a) whether he is a native or naturalized citizen, (b) when and where born, and (c) current residence. See Model Format MF-4, page 50.

   If an applicant has declared his intent to become a citizen the statement must in addition to the above, also include the date, place, and the court before which the intention has been declared.

   If an applicant has been naturalized the statement, in addition to the aforementioned, must also include the court from which his certificate was issued.

   An authorized agent representing an individual or group of individuals must submit the above information in regard to the patent applicant along with a power of attorney signed by the applicant authorizing the agent to act for him in the matter of the patent application.

In the case of an incorporated company, a certified copy of its articles of incorporation or its charter must be submitted. A copy of the resolution of the Board of Directors showing the agent has the authority to apply for a mineral patent on behalf of the corporation. The resolution must be certified by the secretary of the corporation, under seal. Also, a State of California certificate showing the corporation is in good standing must be filed.

6) Certificate of Title (Form 3860-2) or Abstract of Title.

The Certificate of Title (Form 3860-2; FM-4, page 51) must show that title vests in the applicant. This form must be completed by either an attorney, currently licensed to practice in the State of California, or by an authorized representative of a California based title company. The Title Company's seal must be affixed on the form.

The Title must be accompanied by county certified copies of the original location notice and all amendments. County certified copies are usually done in purple or blue ink. NOTE: County certification is separate from county recordation.

An Abstract of Title is an abstract of a complete record of ownership of the mining claim(s) or mill site(s) from its date of location to the date of adjudication. It must be certified either by an abstractor authorized to do title abstracts under State law or by the legal custodian responsible (the county clerk or recorder) for the official records of mining claims in the county. The Abstract must be accompanied by certified copies of each location certificate and amendments and certified copies of all conveyance documents pertaining to the title of the mining claim. See 43 CFR 3862.1-3(e). The date of the Abstract must be reasonably close to the filing date of the patent application. A certified supplemental Abstract must be submitted after the application is filed, to prove the applicant had title to the claim on the date of patent application.

7) Narrative Statement.

The application must show that the applicant has the right of possession to the claim and the applicant should state briefly but clearly the facts constituting the basis of his right to a patent, a full description of the vein or lode, whether ore has been extracted, and if so, of what amount and value, and the precise place within the limits of each claim where the vein or lode is exposed, and its width at that point (43 CFR 3862.1-1). See specific information required in the Concept of Discovery for Mining Claims Section.

Geology and mineral data for discovery should be described as given in the Specific Information Required for Discovery Section, pages 12 and 13.

8) Atomic Bomb Statement.

For claims located after August 1, 1946 the applicant must make a statement as to whether the claimant had or had not direct involvement in the development of the atomic bomb.

If the claimant did participate, the nature of participation must be stated and disclosed whether"... he acquired any confidential, official information as to the existence of deposits of uranium, thorium, or other fissionable source materials in the lands covered by his application" (43 CFR 3862.1-1(b)).

Placer Claims:

1) Plat of Mineral Survey and Field Notes.

Same as for lode claims, if applicable. A mineral survey is required if the placer claim is located upon unsurveyed lands or cannot conform to legal subdivisions. If a mineral survey is necessary it must be completed and approved before filing the patent application.

2) Notice of Intent to Apply for Patent.

Same as for lode claims.

3) Proof of Posting Notice of Intent.

Same as for lode claim. If a plat of mineral survey is not required then the statement would attest to posting only the Notice of Intent to Apply for Patent.

4) Proof of Improvements.

Same as for lode claim if mineral survey has been accomplished.

If the placer claim is described by legal subdivision, a statement signed by two or more disinterested witnesses attesting that the improvements were made by the applicant and the value is not less than $500 must be submitted (see Model Format MF-5, page 52).

Since no examination and report by a mineral surveyor is available in cases of claims taken by legal subdivisions, the claimant, in his application, should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value and the course and distance thereof to the nearest corner of the public surveys in addition to the data above required (43 CFR 3863.1-3(d)).

5) Evidence of Citizenship or Certificate of Corporate Authority.

Same as for lode claim.

6) Certificate of Title (Form 3860-2) or Abstract of Title.

Same as for lode claim (see Form FM-4, page 51).

7) Narrative Statement.

The application must show that applicant has the right of possession to the claim. An applicant should state briefly but clearly the facts constituting the basis of his right to a patent and such data as will support the claim that the land applied for is placer ground containing valuable deposits not in vein or lode formation and that title is sought, not to control water courses or to obtain valuable timber, but in good faith because of the mineral therein. This statement, of course, must depend upon the character of the deposit and the natural features of the ground, but the following details should be covered as fully as possible: If the claim is for deposit of placer gold, there must be stated the yield per pan, or cubic yard, as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which he bases his allegation that the claim is valuable for its deposits of placer gold (see also No. 7 under "Lode Claim"). If it is a building stone or deposit other than gold claimed under the placer laws, he must describe fully the amount, nature and extent of the deposits, stating the reasons he regards it as valuable mineral claim. He will also be required to describe fully the natural features of the claim; streams, if any, must be fully described as to their course, amount of water carried, and fall within the claim; and he must state the kind and amount of timber and other vegetation thereon and adaptability to mining or other uses (43 CFR 3863.1-3).

If the claim is all placer ground, that fact must be stated in the application and supported by accompanying proofs; if the ground is of mixed placer and lode, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration must be furnished for each known lode intended to be claimed. In all cases, whether the lode is claimed or excluded, it must be surveyed and marked on the plat, the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise (43 CFR 3863.1-3(b)).

Geology and mineral for discovery data should be described as given in the Specific Information Required For Discovery Section, pages 12 and 13.

8) Statement of All Placer Ground and No Known Lodes.

If it is stated in the narrative that the claim is all placer ground, a statement signed by two or more witnesses corroborating such statement (43 CFR 3863.1-3(b)) is required (see Model Format MF-6, page 53).

The statement of "no known lodes" must also be corroborated by a statement of two or more witnesses.

9) Atomic Bomb Statement.

Same as for lode claims.

Dependent Mill Site

A dependent mill site is connected to an unpatented or patented lode or placer mining claim.

1) Plat of Mineral Survey and Field Notes.

Same as for lode claim, if applicable. A mineral survey is not required if the mill site is located in a surveyed section and is described by legal subdivision (i.e. N½NW¼SW¼SE¼). The plat of survey, if required, and Notice of Intent to Apply for Patent must be posted in a conspicuous place upon both the claim and the mill site.

2) Notice of Intent to Apply for Patent.

Same as for lode claims.

3) Proof of Posting Notice of Intent.

Same as for lode claims.

4) Proof of Nonmineral Land.

A mill site must be situated upon land that is nonmineral in character. A statement, by two or more witnesses familiar with the land, attesting that the land is nonmineral must be submitted. (See Model Format MF-7, page 54).

5) Evidence of Citizenship or Certificate of Corporate Authority.

Same as for lode claims.

6) Certificate of Title (Form 3860-2) or Abstract of Title.

Same as for lode claims (see Form FM-4, page 51).

7) Narrative Statement.

Lands entered must be shown to be nonmineral in character. The maximum size of a mill site is five acres. A mill site may contact a side line of a lode or placer claim, provided it is shown that the lode vein, or placer does not extend into any part of the ground covered by the mill site. A complete description of the geology should be included in the application. Use and occupancy of the land for mill site purposes must be shown. See the Mill Site Validity Section in this book, page 14.

8) Atomic Bomb Statement.

Same as for lode claims.

Independent Mill Sites

An owner of a custom quartz mill or reduction works, not owning a mine in connection therewith, is entitled to make application and receive a patent for the mill site at the same rate charged for lode mining claims. Custom milling for others on a reasonably consistent basis must be shown.

Subsequent Filings

The applicant will be asked to cure any deficiencies noted during the preliminary review. A supplemental title report and publisher's agreement will also be requested at this time.

Supplemental Abstract or Certificate of Title:

A supplemental abstract or Certificate of Title brought down to and including the date of filing the application, showing title vests in the applicant, is required to be filed (see Form FM-5, page 55). The preliminary Certificate of Title covers a period near the date of filing the application. The supplemental Certificate covers the period from the date the initial Certificate was signed through the date of filing the application (the date the application was received and date-stamped by the BLM).

Publishers Agreement:

The publisher's agreement is obtained by the applicant from the newspaper designated by BLM as being the newspaper of general circulation published nearest the claim. It states that, in connection with the patent application, the applicant alone will be held responsible for the charges (see Model Format MF-8, page 56).

The BLM will send the actual publication to the publisher in accordance with the agreement. The applicant will be notified by certified mail of the publication dates so that he can assure the Notice of Intent to Apply for Patent remains posted on the claim during the entire 60-day period of publication.

Supplemental Data:

At the proper time in the proceedings, the applicant will be asked to provide the proof of publication, affidavit of continuous posting on claim, statement of fees and charges, and purchase money. The mineral examiner may ask for supplemental data needed in determining discovery on the claims.

Post Publication Filings

General

When the 60-day publication period has expired, and if no adverse claims have been filed, the applicant is required to file final proofs consisting of:

1. Proof of publication
2. Proof of continuous posting
3. Statement of Fees and Charges

Purchase money may be sent concurrently with the above proofs, but MAY NOT be paid until the proofs are filed.

Proof of Publication:

The applicant is required to furnish a sworn statement from the publisher that the notice was published for the required period, showing the first and last dates of publication. Newspapers have a standard format they use for affidavits covering legal advertisements, so the applicant will have no problem obtaining this (43 CFR 3862.4-5). (See Model Format MF-9, page 57).

Proof of Continuous Posting:

This is the claimant's sworn statement that the plat and notice remained conspicuously posted upon the claim for the entire 60-day publication period, giving the dates, which must include the fourth day after date of issue of the last newspaper carrying the notice. This requirement of the law may not be waived (43 CFR 3862.4-5). Note that a sworn statement is required. See Dennis J. Kitts, 84 IBLA 338 (1985). See also Model Format MF-10, page 58.

If the dates of posting shown in the statement do not cover the full 60-day period, the statement is unacceptable. If, in fact, the posting was in place for the required time, a new statement giving the proper dates can be accepted.

If the applicant cannot attest that the posting was accomplished for the full 60-day period, republication, posting in the BLM office and posting on the claim will be necessary. The law requires that three methods of notice must be published and posted concurrently a full 60 days (Great Western Lode Claim, 5 L.D. 510). These methods are by posting on the claims, publication in a newspaper, and posting in the BLM California State Office Public Room in Sacramento.

Statement of Fees and Charges:

The statement of fees and charges is a statement made by the claimant of the fees and charges paid by him for publication of his notice, cost of survey (which can be prorated if not all the claims in the survey are under application), and all fees and money paid to the BLM (filing fee, purchase money, and application for survey money) (43 CFR 3862.4-6). See Model Format MF-11, page 59.

Purchase Money:

Purchase money cannot be accepted until all of the required proofs have been filed and any adverse claim has been resolved. If purchase money is prematurely submitted, it will be returned or refunded to the applicant in reference to U.A. Small, 108 IBLA 102 (1989). The date purchase money is paid is considered the date of entry which is the date equitable title vests in the applicant if entry is allowed.

Purchase price for lode claims, millsites used in connection with lode claims, or custom millsites is $5.00 per acre or fraction thereof.

Purchase price for placer claims or millsites used in connection with placer claims is $2.50 per acre. If there is a fraction of an acre, it is counted as a whole acre. See 43 CFR 3862.4-6; 3863-1(b); 3864.1-1(c); and 3864.1-2. The computation is based on the total acreage included in the application. An example is: 20 acres + 19.50 acres = 39.50 acres, and $2.50 x 40 = $100).

Part 1 (First-Half - Mineral Entry Final Certificate):

Completion of Part 1 or "first half" of the final certificate (Form 1860-1; Form FM-6, page 60) confirms that mineral entry has been allowed.

The effects of issuance are: 1) confirmation of equitable title in the applicant, 2) certification that the applicant has satisfactorily complied with all the "paperwork" requirements of the Mining Law (title, proofs, posting requirements, tendered purchase money, etc.), 3) elimination of the need for performance of assessment work, and the related filings required by the County and BLM, and 4) segregation of the land from all further entry under the public land and mineral laws as of the date of receipt of the purchase price. NOTE: Completion of Part 1 does not authorize patent issuance.

Adverse Claims:

An adverse claim is made by anyone claiming the mineral rights to the same land or portion thereof (or mill site vs. mill site) that the patent applicant is claiming. It must be filed during the 60-day period of publication. The adverse claimant files documents with the BLM showing the conflict between the claims and stating that an adverse claim is being filed. Procedures are found in 43 CFR 3871.

The filing of an adverse claim during the 60-day period of publication stays all action on the patent application. The only documents that are allowed to be filed by the applicant are the statement by the publisher that the notice was published for the required period, and the applicant's own statement of posting during the 60-day publication period.

The adverse claimant is required to start proceedings in a court of competent jurisdiction (to determine priority of rights) within 30-days of filing an adverse claim with the BLM.

If the claimant fails to start proceedings, the applicant obtains a statement from the clerk of the court that the judgment is a final judgment, that the time for appeal has expired, that no such appeal has been filed, or that the defeated party has waived his right to appeal. Upon receipt, the BLM issues a decision that patent proceedings are to continue.

If the adverse claimant starts proceedings the outcome of these proceedings dictates the action to be taken. If the patent applicant is determined to have priority of rights, the application will proceed. If the adverse claimant prevails, the application is rejected to the claims affected. The adverse claimant may institute new patent proceedings on the claims the same as any other claimant.

Table T-4. Summary of initial mineral patent document filings.

	Document	43-CFR	Illustration	Page
1.	Plat of Survey & Field Notes (lode claims & unsurveyed mill sites, and placer claims only)	Subpart 3861	M-2, M-3, T-3	20,21,17
2.	Notice of Intent to Apply for Patent	3861.7-1	MF-2	48
3.	Witness statement as to posting notice of intent	3861.7-2	MF-3	49
4.	Certificate of expenditures, improvements, and mineral survey (surveyed claims)	3861.2-2 to 4 3863.1-2	FM-2	33
5.	Evidence of Citizenship or Certificate of Corporate Authority	3862.2-1 & 3862-2-2	MF-4	50
6.	Abstract or Certificate of Title (Form 3860-2) with certified copies of location notices and amendments	3862.1-3	FM-4	51
7.	Application for Patent (Narrative Statement) Including Atomic Bomb Statement	3862.1-1 3863.1-3, and 1-4 3864.1-1, and 1-3		38,39 41
8.	Proof of improvements (unsurveyed placers)	3863.1-3(e)	MF-5	52
9.	Statement of all placer ground and no known lodes	3863.1-3 & 3863.1-4	MF-6	53
10.	Proof of nonmineral character of mill sites	3864.1-4	MF-7	54
11.	Service Fee - $250 1st claim, then $50 per each additional claim	3862.1-2		36

NOTE: Model Formats are meant to be used as a guide and may not apply in all cases. They may need modification in order to describe your particular situation.

Table T-5. Summary of subsequent mineral patent document filings and post publication documents.

	Document	43-CFR	Illustration	Page
1.	Supplemental Abstract or Certificate of Title (Form 3860-2)	3862.1-3(e)	FM-5	55
2.	Publisher's Agreement (BLM will designate paper to obtain agreement with. BLM also sends the publication to the paper at the proper time)	3862.4-1	MF-8	56
Post Publication Document Filings:				
1.	Proof of publication (furnished by the paper to the applicant)	3862.4-5	MF-9	57
2.	Affidavit of continuous posting on claim	3862.4-5	MF-10	58
3.	Statement of fees and charges (at a minimum must include: filing fee, cost of publication, survey cost, and purchase money.)	3862.4-6	MF-11	59
4.	Payment of Purchase Money	3862.4-6, 3863.1 & 3864.1-1, and 1-2	-----	44

NOTE: Model Formats are meant to be used as a guide and may not apply in all cases. They may need modification in order to describe your particular situation.

NOTICE OF INTENTION TO APPLY FOR MINERAL PATENT

NOTICE IS HEREBY GIVEN that ______________________________
(names of owners of claims)

intend to make application for a patent to the following unpatented ____________ mining claims situated in ______________________ County, California, ______________________________.
(name of mining district or "unknown")

(Names of claims)

The foregoing claims are located on land described as ________________ __________, Section __________, Township __________, Range __________, ____________ Meridian. (Show mineral number, if applicable, or legal subdivision description.)

(a) The ______________________ mining claim is situated in ______________________ County, California and contains ____________ acres. The claim was located by ______________________________ on ______________________.

(b) The ______________________ mining claim is situated in ______________________ County, California and contains ____________ acres. The claim was located by ______________________________ on ______________________.

Notices of Location for these claims have been recorded in the Official Records of ______________________ County, California and filed with the California State Office of the Bureau of Land Management as follows:

Claim Name Serial No.	Original Notice (County Book/Pg)	Amended Notice (County Book/Pg)	BLM Serial No.

(same information as listed on the Certificate of Title, Form 3860-2)

There are no conflicts with other claims or fee lands. The adjoining claims as shown on the plat of survey are ______________________________.

DATE OF POSTING ON CLAIM: ________________

____
(name of owner doing the posting)

____
(address of above owner)

Model Format MF-2

WITNESSES' STATEMENT AS TO POSTING NOTICE OF INTENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

____________________ of ____________________
(Name of Witness) (City and State where witness resides)

____________________ of ____________________
(Name of Witness) (City and State where witness resides)

witnesses, each for himself and not one for the other, being first duly sworn according to law deposes and says:

1. That he is a citizen of the United States of lawful age.

2. That he was present on ____________________ (date of posting) when a Notice of Intention to Apply for Mineral Patent, and copy of the plat of survey (if applicable), was posted in a conspicuous place on the following:

____________________ claims.
(type of claim, lode, placer, mill site)
(Name of Claim)

3. The Notice of Intention to Apply for Mineral Patent and plat of survey was posted on the claim by:

____________________ on behalf of ____________________, owners of the
(owner who did actual posting) (owners of claims)

____________________.
(name of the mining claims)

4. The Notice (and plat of survey) was posted conspicuously on the

____________________ claim, part of the contiguous claim group. The Notice
(name of claim)
(and plat of survey) is affixed to a ____________________.
(describe where and how notice and plat of survey is posted)
A copy of the posted Notice is attached hereto.

DATED this __________ day of ____________________.
(month and year)

____________________ ____________________
Signature (Signature of Witness) Signature (Signature of Witness)

Model Format MF-3

STATEMENT OF UNITED STATES CITIZENSHIP

I, ______________________________, state that I am a native born citizen of the United
(name of owner)

States of America.

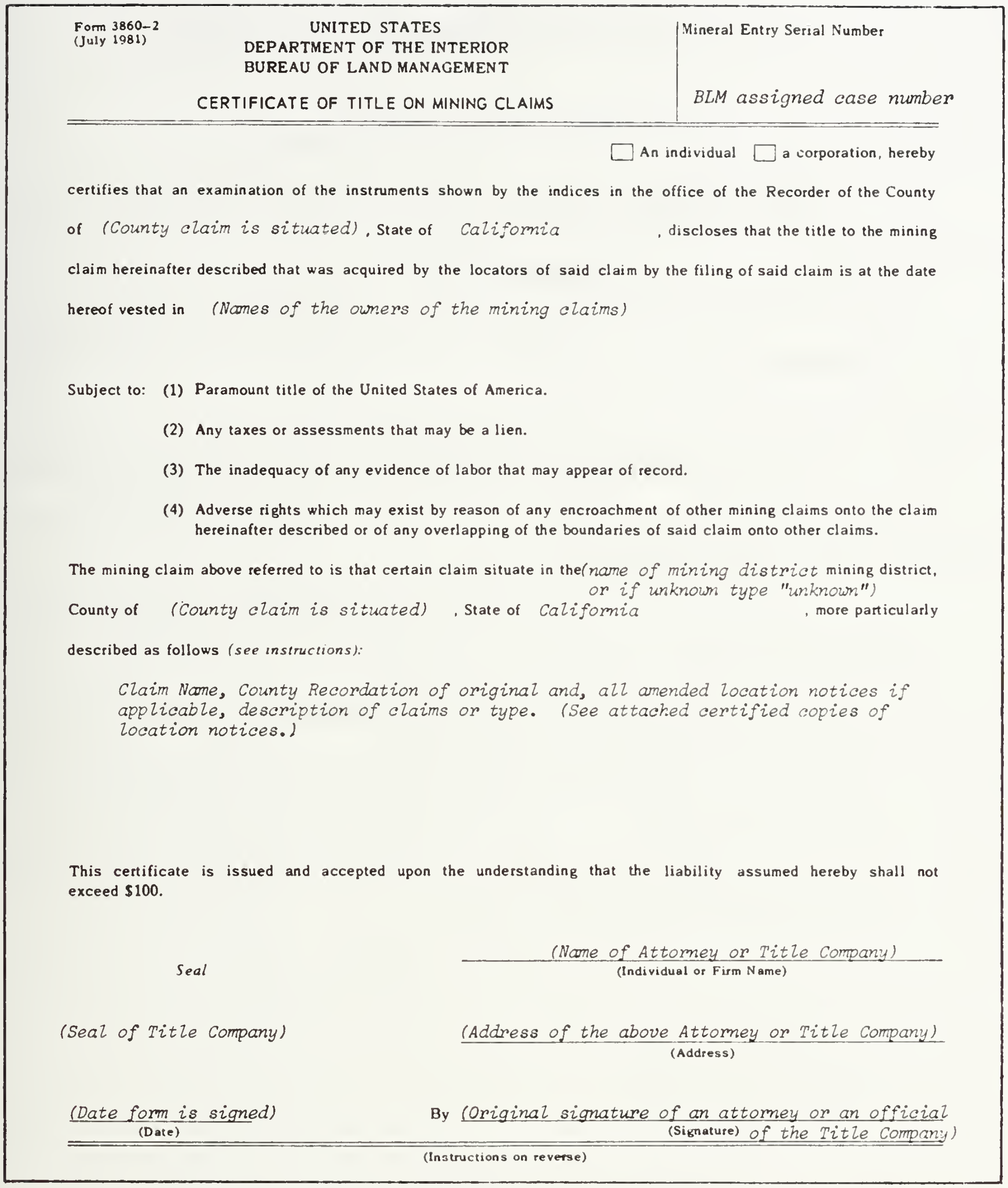
I was born in ____________________________ on the date of _________________________.
(City and State) (date of birth)

My residence is ____.
(Street or P.O. Box, City, State, Zip Code)

____
Signature
(Original signature of owner)

____
Date
(Date this document is completed)

Model Format MF-4



Form 3860-2
(July 1981)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CERTIFICATE OF TITLE ON MINING CLAIMS

Mineral Entry Serial Number

BLM assigned case number

☐ An individual ☐ a corporation, hereby certifies that an examination of the instruments shown by the indices in the office of the Recorder of the County of *(County claim is situated)*, State of *California*, discloses that the title to the mining claim hereinafter described that was acquired by the locators of said claim by the filing of said claim is at the date hereof vested in *(Names of the owners of the mining claims)*

Subject to:
(1) Paramount title of the United States of America.
(2) Any taxes or assessments that may be a lien.
(3) The inadequacy of any evidence of labor that may appear of record.
(4) Adverse rights which may exist by reason of any encroachment of other mining claims onto the claim hereinafter described or of any overlapping of the boundaries of said claim onto other claims.

The mining claim above referred to is that certain claim situate in the *(name of mining district or if unknown type "unknown")* mining district, County of *(County claim is situated)*, State of *California*, more particularly described as follows *(see instructions)*:

Claim Name, County Recordation of original and, all amended location notices if applicable, description of claims or type. (See attached certified copies of location notices.)

This certificate is issued and accepted upon the understanding that the liability assumed hereby shall not exceed $100.

Seal

(Seal of Title Company)

(Name of Attorney or Title Company)
(Individual or Firm Name)

(Address of the above Attorney or Title Company)
(Address)

(Date form is signed)
(Date)

By *(Original signature of an attorney or an official of the Title Company)*
(Signature)

(Instructions on reverse)

INSTRUCTIONS

1. Description of mining claims may be incorporated by reference to and attachment of a certified copy of certificate of location.
2. A certificate, when executed by a corporation, must:
   (a) bear the corporate seal;
   (b) indicate where corporation was organized; and,
   (c) indicate authority to do business in the state in which the land is located.

Form FM-4. Certificate of title on mining claims.

PROOF OF IMPROVEMENTS

(For use with unsurveyed claims)

I, ______________________________ of ______________________________,
(witness name) (city of residence)

California, and I, ____ of
(witness name)

____________________________, California, each for himself and not one for the
(city of residence)

other, says:

That he is a citizen of the United States of America, and of the State of California, and over the age of twenty-one years;

That he is well acquainted with the ______________________________________,
(name of mining claim(s))

under application for patent;

That he is a disinterested witness who is not employed nor does he receive any type of revenue from the mineral patent applicant, and that he is cognizant of the facts relative to the application;

That improvements made by the applicant or his grantors on the above-named mining claims are not less than $500 in value.

Date: ______________________ ______________________________
(Witness signature)

Date: ______________________ ______________________________
(Witness signature)

Model Format MF-5

Statement Of All Placer Ground and No Known Lodes

I, ______________________________ of ______________________,
(witness name) (city of residence)

California, and I, ____ of
(witness name)

________________________, California, each for himself and not one for the
(city of residence)

other, says:

That he is a citizen of the United States of America, and of the State of California, and over the age of twenty-one years;

That he is well acquainted with the ________________________________,
(name of mining claim)

under application for patent;

That no known veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, exist on the above-named mining claim(s), and we believe that none exists thereon. The claim(s) is all placer ground within the meaning of the mining laws.

____
(Witness signature)

____
(Witness signature)

Model Format MF-6

Witnesses' Statement of Nonmineral Character of Mill Sites

____
(Name of mill site(s))

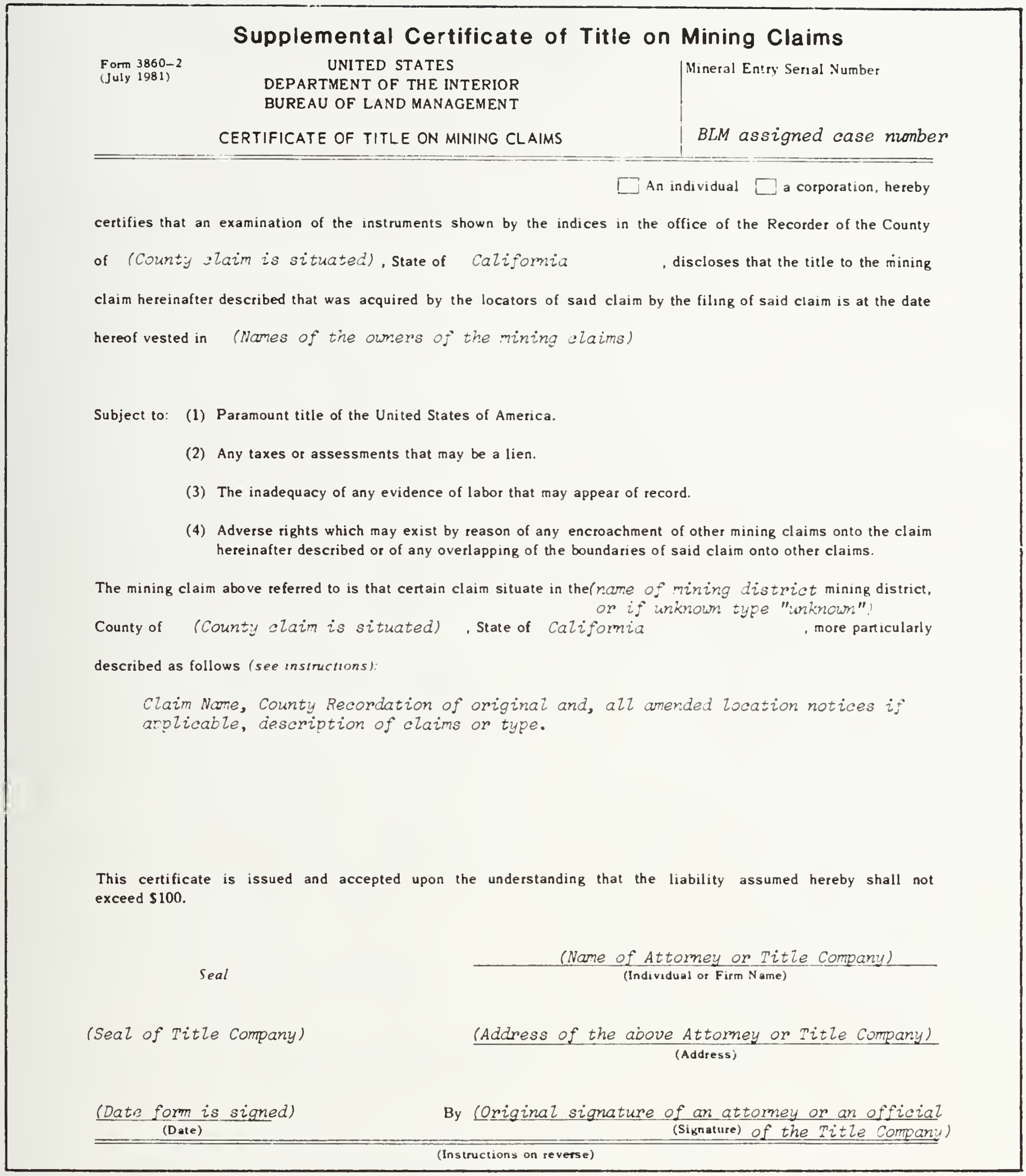
__________________ hereby says!
(Name of witness)

I am familiar with the ground located and claimed by the above named mill site(s). The site(s) is nonmineral ground, and so far as I can determine by a close examination of the surface, there is no valuable mineral deposit and no deposit of valuable mineral on the site(s).

____
Signature

____
Date

Model Format MF-7



Supplemental Certificate of Title on Mining Claims

Form 3860–2
(July 1981)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CERTIFICATE OF TITLE ON MINING CLAIMS

Mineral Entry Serial Number
BLM assigned case number

☐ An individual ☐ a corporation, hereby certifies that an examination of the instruments shown by the indices in the office of the Recorder of the County of *(County claim is situated)*, State of *California*, discloses that the title to the mining claim hereinafter described that was acquired by the locators of said claim by the filing of said claim is at the date hereof vested in *(Names of the owners of the mining claims)*

Subject to:
(1) Paramount title of the United States of America.
(2) Any taxes or assessments that may be a lien.
(3) The inadequacy of any evidence of labor that may appear of record.
(4) Adverse rights which may exist by reason of any encroachment of other mining claims onto the claim hereinafter described or of any overlapping of the boundaries of said claim onto other claims.

The mining claim above referred to is that certain claim situate in the *(name of mining district or if unknown type "unknown")* mining district, County of *(County claim is situated)*, State of *California*, more particularly described as follows *(see instructions)*:

Claim Name, County Recordation of original and, all amended location notices if applicable, description of claims or type.

This certificate is issued and accepted upon the understanding that the liability assumed hereby shall not exceed $100.

Seal

(Seal of Title Company)

(Name of Attorney or Title Company)
(Individual or Firm Name)

(Address of the above Attorney or Title Company)
(Address)

(Date form is signed)
(Date)

By *(Original signature of an attorney or an official of the Title Company)*
(Signature)

(Instructions on reverse)

INSTRUCTIONS

1. Description of mining claims may be incorporated by reference to and attachment of a certified copy of certificate of location.
2. A certificate, when executed by a corporation, must:
   - (a) bear the corporate seal;
   - (b) indicate where corporation was organized; and,
   - (c) indicate authority to do business in the state in which the land is located.

Form FM–5. Supplemental certificate of title on mining claims.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

In the matter of application of (Name of applicant(s) ________ for patent to (Name of claim(s) ______________________________ ______________________________ United States Mineral Survey No. ______________ (if applicable) and situated in the ________________ Mining District, ______________ County, California.	AGREEMENT OF PUBLISHER

The undersigned, ________ (Name of publisher) ________, publisher of the ________ (Name of newspaper) ________ published at ________ (full address of newspaper) ________________________________, ________________________________ County, does hereby agree to publish a notice required by the provisions of Title 30, United States Code, of the intention of ________ (Name of applicant(s) ________ to apply for a patent covering the above-referred to ________ (number of claims) ________ (lode or placer or millsite) ________ mining claims situated in the ________________ Mining District, ________________ County, California, and to hold the said patent applicant(s) alone responsible for the amount due for publishing the same.

It is hereby expressly stipulated and agreed that no claim will be made against the Government of the United States or its officers or agents for such publication.

The ________ (Name of newspaper) ________________ is published ________ (daily, weekly, ________ weekly, and so forth) ____ on ________ (what days of the week if other than daily).

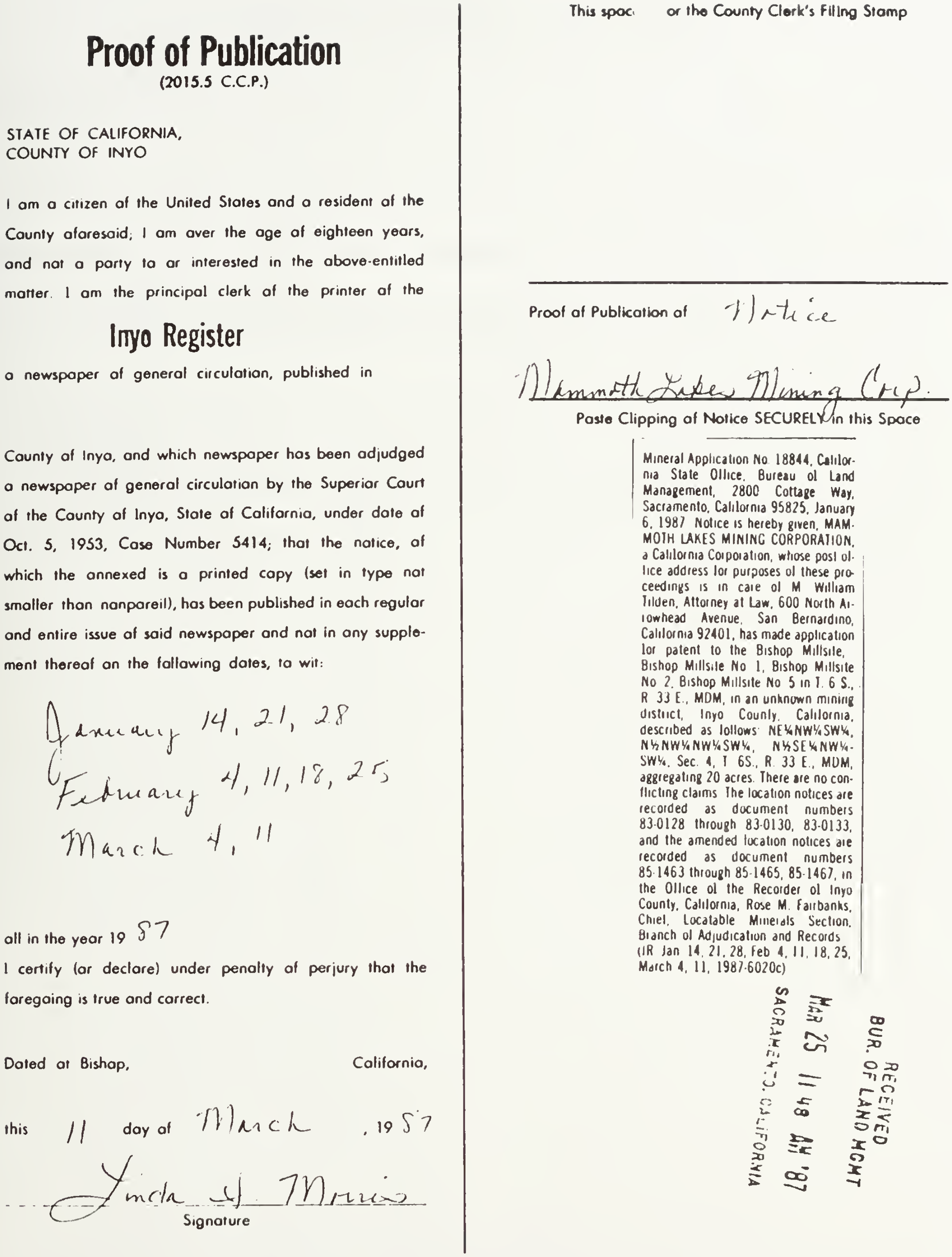
Dated this ________________ day of ________________________, 19____.

(NAME OF NEWSPAPER)

By ________ (signature) ________
(print or type name of) Publisher (Title)

This notice must be published either in a weekly newspaper for 9 consecutive weeks, or in a daily newspaper for 9 consecutive Wednesdays.

Model Format MF-8



Proof of Publication

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
COUNTY OF INYO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

Inyo Register

a newspaper of general circulation, published in

County of Inyo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Inyo, State of California, under date of Oct. 5, 1953, Case Number 5414; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

January 14, 21, 28
February 4, 11, 18, 25
March 4, 11

all in the year 19 87

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Bishop, California,

this 11 day of March, 19 87

Linda J. Morris
Signature

This spac or the County Clerk's Filing Stamp

Proof of Publication of Notice

Mammoth Lakes Mining Corp.

Paste Clipping of Notice SECURELY in this Space

Mineral Application No 18844, California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, January 6, 1987 Notice is hereby given, MAMMOTH LAKES MINING CORPORATION, a California Corporation, whose post office address for purposes of these proceedings is in care of M William Tilden, Attorney at Law, 600 North Arrowhead Avenue, San Bernardino, California 92401, has made application for patent to the Bishop Millsite, Bishop Millsite No 1, Bishop Millsite No 2, Bishop Millsite No 5 in T. 6 S., R 33 E., MDM, in an unknown mining district, Inyo County, California, described as follows: NE¼NW¼SW¼, N½NW¼NW¼SW¼, N½SE¼NW¼-SW¼, Sec. 4, T 6S., R. 33 E., MDM, aggregating 20 acres. There are no conflicting claims The location notices are recorded as document numbers 83-0128 through 83-0130, 83-0133, and the amended location notices are recorded as document numbers 85-1463 through 85-1465, 85-1467, in the Office of the Recorder of Inyo County, California, Rose M. Fairbanks, Chief, Locatable Minerals Section, Branch of Adjudication and Records (IR Jan 14, 21, 28, Feb 4, 11, 18, 25, March 4, 11, 1987-6020c)

RECEIVED
BUR. OF LAND MGMT
MAR 25 11 48 AM '87
SACRAMENTO, CALIFORNIA

Model Format MF–9. Proof of Publication

PROOF OF CONTINUOUS POSTING

Application No. CA ____________________

I, ____________________________________, state that on __________________,
(Applicant's name) (date)

the notice of intention to make such application was posted in a conspicuous place upon the claim, to-wit: ____, and, such
(Brief description of where notice is posted)

notice (and plat) remained so posted from ____________________________ to ____________________________, which include the full sixty day publishing period.*

I declare under penalty and perjury that the foregoing is true and correct.

Executed on the _______ day of ______________, at _____________________, California.

____
(Applicant's signature)

---

* Dates must include the fourth day after the last day it is published in the newspaper.

Model Format MF-10

STATEMENT OF FEES AND CHARGES PAID

Application No. CA ____________________

I, ____, state that all charges

(applicant's name)

and fees paid to the Bureau of Land Management, together with publication costs and survey costs in connection with the application are as follows:

Filing Fee	$
Publication	$
Application for Survey	$
Actual survey	$
Purchase money	$

______________________________ (Date)

______________________________ (Applicant's signature)

Model Format MF-11

Form 1860-1

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT PART 1 - MINERAL ENTRY FINAL CERTIFICATE	Serial Number XXXX 43698 Date (Date of Entry) August 1, 1989

Filing Fees, $300.00	Receipt Number 145720	Date January 6, 1989
Purchase Money, $100.00	Receipt Number 151803	Date August 1, 1989

☐ R.S. 2325; 30 U.S.C. 29 (Lode)

☐ R.S. 2337; 30 U.S.C. 42(a) (Millsite-Lode)

☒ R.S. 2329, 2331; 30 U.S.C. 35 (Placer)

☐ Act of March 18, 1960, 30 U.S.C. 42(b) (Millsite-Placer)

On this day

James L. Doe

paid the filing fees and deposited the purchase money in the sum shown above for certain

☐ lode ☐ placer mining claim(s) ☐ millsite(s) described as:

LPC #33 (XX XX 5432)
LPC #52 (XX XX 6981)

T. 7 N., R. 21 W., (Meridian)
Sec. 7: E½SE¼NE¼
Sec. 8: W½SW¼NW¼

County Ventura, State California, Mining District Unknown.

EXPRESSLY EXCEPTING AND EXCLUDING from said purchase all that portion of the ground embraced in mining claim(s) or survey(s) designated as Survey(s) Number(s)

N/A

THEREFORE: Patent may issue if all is found regular and upon demonstration and verification of a discovery of a valuable mineral deposit and subject to the reservations, exceptions, and restrictions noted herein.

(Signature of Authorized Officer)

(Title)

Form FM-6

FIELD EXAMINATION AND VERIFICATION PROCEDURES

by R.M. Waiwood, and J.R. Evans

General

A mineral examination of mining claims and mill sites is made for a mineral patent application by, or under the direction of, a Certified Mineral Examiner. The examination is required to verify whether a discovery of a valuable mineral deposit has been made within the boundaries of mining claims. In addition to verification of discovery on placer claims, an examination is made to see if each 10 acre parcel within the claim is mineral in character. In the case of mill sites, the examination is necessary to ensure that each 2½ acre parcel is being used in good faith for mining, milling, and other uses reasonably incident thereto, and that the land is not mineral in character.

Because the mineral examination is based on verification of data supplied by the applicant, the more complete the discovery report in the application, the faster the examination can proceed. Field examination procedures are usually the most complex and demanding part of the patent application process conducted by the BLM. It is often the most time-consuming portion of the application process. It is imperative that coordination with, and assistance and cooperation of the applicant be obtained in order to move the application forward swiftly and efficiently.

BLM has the authority to verify the bona fides of mining claims and millsites in mineral patent applications under the Act of April 25, 1812 (43 U.S.C. 2), section 503 of the Reorganization Plan No. 3 (1946), and the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Procedures for conducting the mineral examination are guided by BLM Manuals 3060 and 3870, and the Mineral Examiners Handbook (H-3870).

Pre-examination Procedures

In California, the procedure begins when a duplicate of the case file (dummy file) is sent to the appropriate BLM District Office. The District Office receives the case file after it has been adjudicated, and the information on discovery reviewed by the BLM State Office Mineral Review Examiner for completeness. The District Manager assigns the case to a Certified Mineral Examiner in the District Office, or one of the Resource Area Field Offices. The District Manager immediately notifies the State Office as to who will conduct the field examination and prepare the mineral report. Also, a date-tracking schedule for completion of the mineral report and when the mineral report will be sent for final technical review is placed in the BLM case recordation system for case tracking.

Mineral examiners in a Field Office act independently, setting their own schedule and contacting the applicant to arrange the time and place for the field examination. The applicant is notified that a field examination, no earlier than 30 days from receipt of notice, will be made in order to verify the bona fides of the application, and is requested to be present. In addition, any personnel knowledgeable in specific operations on the mining claims are requested to be present. The appropriate BLM field office manager may attend the preliminary field examination. Preliminary field inspections or meetings may be held prior to the field examination.

Preliminary Field Inspection and/or Meetings

At a preliminary inspection or meeting, the field examiner explains the purpose of the examination to the applicant and the procedures to be employed in the course of the examination. A walk around the property is made with the claimant. This walk helps to familiarize the BLM examiner with the location of mining claim boundaries, discovery points, mine and, or mill improvements, mineral sample locations, and so forth. In addition, meetings with mine geologists and engineers may be needed to assist in identification of the geology and mineralization of the property. Examination of mill and processing facilities is also necessary, as well as a review of the operation plans. From the preliminary examination, the BLM examiner will obtain a "feel" for activity or operations on the property, and the geology and mineralization of the property. An evaluation of the information obtained during a preliminary field examination will be made by the BLM examiner. The purpose is to identify data gaps which need to be filled before verification of the discovery can be completed. If necessary, the examiner will request, in writing, further data needs and set a date for the final field examination.

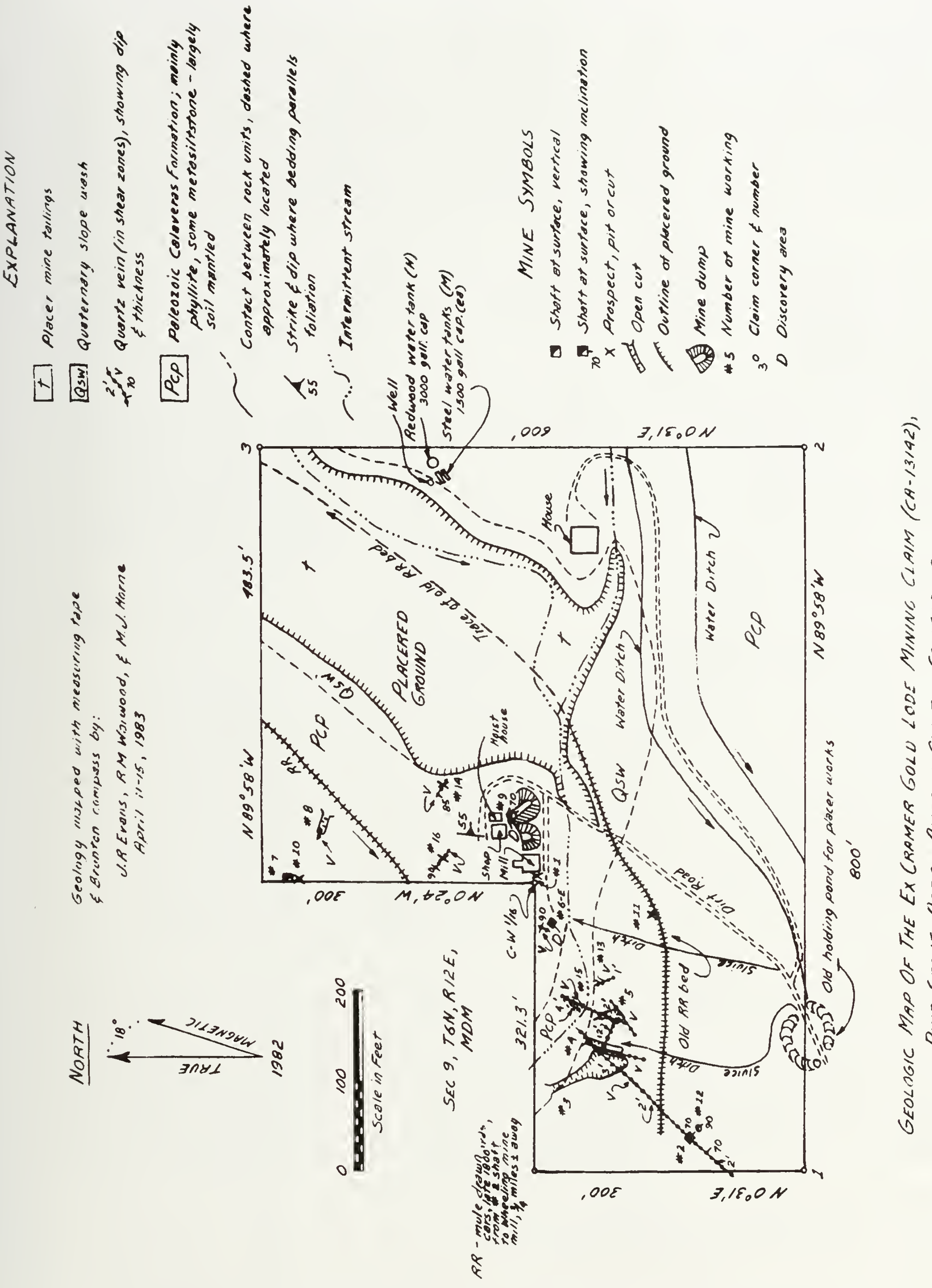
Field Examination

In the field, the mineral examiner will verify or prepare geologic maps, sketches, and cross sections showing the nature and extent of the mineral deposit on the mining claims (see Map M-7, page 63). This is a very important part of the examination as it assists in the definition of the deposit and the geologic and mineral conditions which contribute to deposit formation. These conditions will be used in projecting the mineral character of 10-acre parcels on placer mining claims.

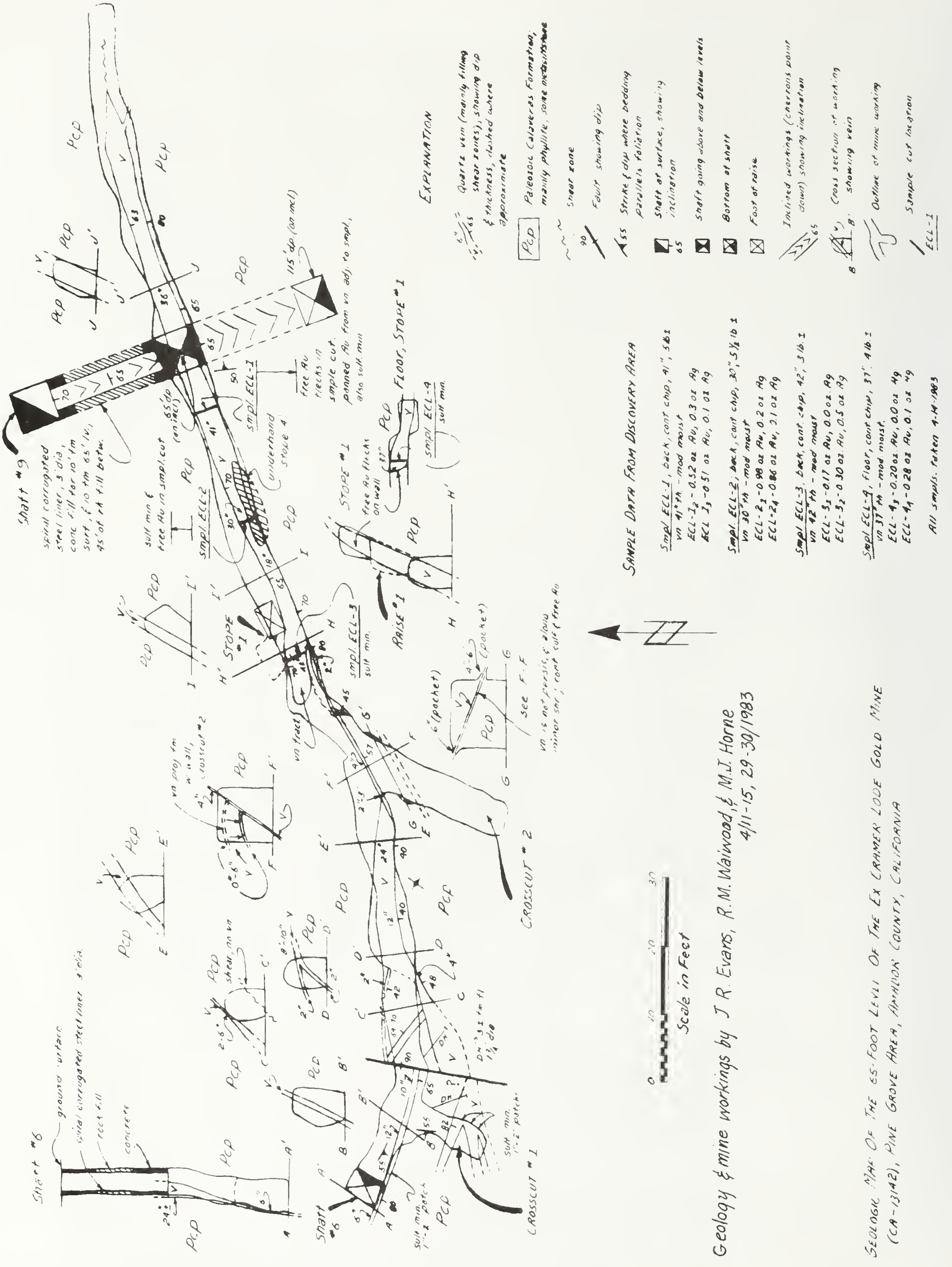
All geologic mapping or verification of the applicants map is done in the field. Claim or location boundaries are noted on the map to ensure that the deposit is within the boundaries of the claim (see Map M-7, page 63). It cannot be over-emphasized that geologic maps are a primary data need in the field and are usually the first projects started and completed by the mineral examiner. Maps will later be used to develop the model and deposition characteristics of the mineralized body and will be used to locate sampling sites and show volume or tonnage calculations. Geologic maps are usually of a more detailed scale than published geologic maps of the area. If adequate maps are not supplied in the discovery data in the patent application, the mineral examiner will utilize available aerial photographs, satellite imagery, or other sources of data to assist in the preparation of adequate maps. It is still necessary to walk the ground to visually confirm presented information. Geologic mapping can be the most time-consuming portion of the field examination process.

Complimentary to geologic mapping is the mapping of surface mine workings and improvements. This work entails either verification of maps submitted by the applicant, or preparation of new maps. The location of each surface improvement is noted in the field on the main geologic map. Geologic maps and sketch maps noting geologic and mineralogic characteristics are also prepared.

For underground mineral developments, separate maps are prepared. Mapping is begun with accurate measurements of the underground workings, including but not limited to adits, drifts, tunnels, cross-cuts, stopes, and shafts (see Map M-8, page 64). If necessary, the position of each working is surveyed to reflect its location


EXPLANATION
Placer mine tailings
Qsw Quaternary slope wash
Quartz vein (in shear zones), showing dip & thickness
Pcp Paleozoic Calaveras Formation; mainly phyllite, some metasiltstone - largely soil mantled
Contact between rock units, dashed where approximately located
Strike & dip where bedding parallels foliation
Intermittent stream
MINE SYMBOLS
Shaft at surface, vertical
Shaft at surface, showing inclination
Prospect, pit or cut
Open cut
Outline of placered ground
Mine dump
#5 Number of mine working
Claim corner & number
D Discovery area
NORTH
TRUE
MAGNETIC
18°
1982
Geology mapped with measuring tape & Brunton compass by:
J.R Evans, R.M Walwood, & M.J. Horne
April 11-15, 1983
0 100 200
Scale in Feet
SEC 9, T6N, R12E, MDM
RR - mule drawn ore cars, late 1800's, from #2 shaft to Wheeling mine mill, 1/4 miles ± away
Well
Redwood water tank (M) 3000 gall. cap
Steel water tanks (M) 1500 gall cap. (ea)
House
Trace of old RR bed
PLACERED GROUND
Qsw
Pcp
Hoist house
Shop
Mill
Water Ditch
Dirt Road
Old holding pond for placer works
Old RR bed
Ditch
Sluice
C-W 1/16
600'
483.5'
N 89°58'W
N 0°31'E
300'
N 0°24'W
321.3'
800'
1
2
3
GEOLOGIC MAP OF THE EX CRAMER GOLD LODE MINING CLAIM (CA-13142), PINE GROVE AREA, AMADOR COUNTY, CALIFORNIA

Map M-7. Geologic map of the Ex Cramer Gold Lode Mining Claim (CA-13142), Pine Grove Area, Amador County, California.


EXPLANATION
Quartz vein (mainly filling shear zones), showing dip & thickness, dashed where approximate
Pcp Paleozoic Calaveras Formation; mainly phyllite, some metasiltstone
Shear zone
Fault showing dip
Strike & dip where bedding parallels foliation
Shaft at surface, showing inclination
Shaft going above and below levels
Bottom of shaft
Foot of raise
Inclined workings (chevrons point down) showing inclination
Cross section of working showing vein
Outline of mine working
Sample cut location
ECL-1
SAMPLE DATA FROM DISCOVERY AREA
Smpl. ECL-1, back, cont chip, 41", 5 lb ±
vn 41" th - mod moist
ECL-1$_2$ - 0.52 oz Au, 0.3 oz Ag
ECL-1$_3$ - 0.51 oz Au, 0.1 oz Ag
Smpl. ECL-2, back, cont chip, 30", 5½ lb ±
vn 30" th - mod moist
ECL-2$_3$ - 0.98 oz Au, 0.2 oz Ag
ECL-2$_4$ - 0.86 oz Au, 2.1 oz Ag
Smpl. ECL-3, back, cont chip, 42", 3 lb ±
vn 42" th - mod moist
ECL-3$_1$ - 0.17 oz Au, 0.0 oz Ag
ECL-3$_2$ - 0.30 oz Au, 0.5 oz Ag
Smpl. ECL-4, floor, cont chip, 37", 4 lb ±
vn 37" th - mod moist
ECL-4$_3$ - 0.20 oz Au, 0.0 oz Ag
ECL-4$_4$ - 0.28 oz Au, 0.1 oz Ag
All smpls. taken 4-14-1983
N
Scale in Feet
0 10 20 30
Geology & mine workings by J.R. Evans, R.M. Waiwood, & M.J. Horne
4/11-15, 29-30/1983
GEOLOGIC MAP OF THE 65-FOOT LEVEL OF THE EX CRAMER LODE GOLD MINE (CA-13142), PINE GROVE AREA, AMADOR COUNTY, CALIFORNIA
Shaft #9
spiral corrugated steel liner, 3' dia, conc fill for 10' fm surf, & 10 fm 65' lvl, 45' of rk fill betw.
115' dp (on incl)
85' dp (on incl)
Shaft #6
ground surface
spiral corrugated steel liner 3' dia.
rock fill
concrete
Stope #1
Floor, Stope #1
Raise #1
Underhand stope 4'
Crosscut #1
Crosscut #2
smpl. ECL-1
smpl. ECL-2
smpl. ECL-3
smpl. ECL-4
sulf min
sulf min & free Au in smpl. cut
free Au flecks in sample cut. panned Au from vn adj. to smpl, also sulf. min
free Au flecks on wall
vn fract
vn proj fm w. wall, crosscut #2
shear, no vn
vn is not persist, & along minor shr; cont sulf & free Au
see F-F
6" (pocket)
4'-6" (pocket)
sulf min. 1"-2" patch
Pcp
V
A A' B B' C C' D D' E E' F F' G G' H H' I I' J J'

Map M-8. Geologic map of the 65-foot level of the Ex Cramer Lode Gold Mine (CA-13142), Pine Grove Area, Amador County, California.

relative to claim boundaries. After the base map of the workings is complete, the mineral examiner will place all geologic and mineralogic features on the map. These will include the observed geology, workings, altitude of bedding or structure, faults, shear zones and mineralized areas. With claimant assistance, the mineral examiner will note the location of all discovery points, and if necessary, the location of the claimants sample areas and high grade locations. After preparation of the mine maps, appropriate cross and longitudinal sections are prepared illustrating the extent of mineralized areas.

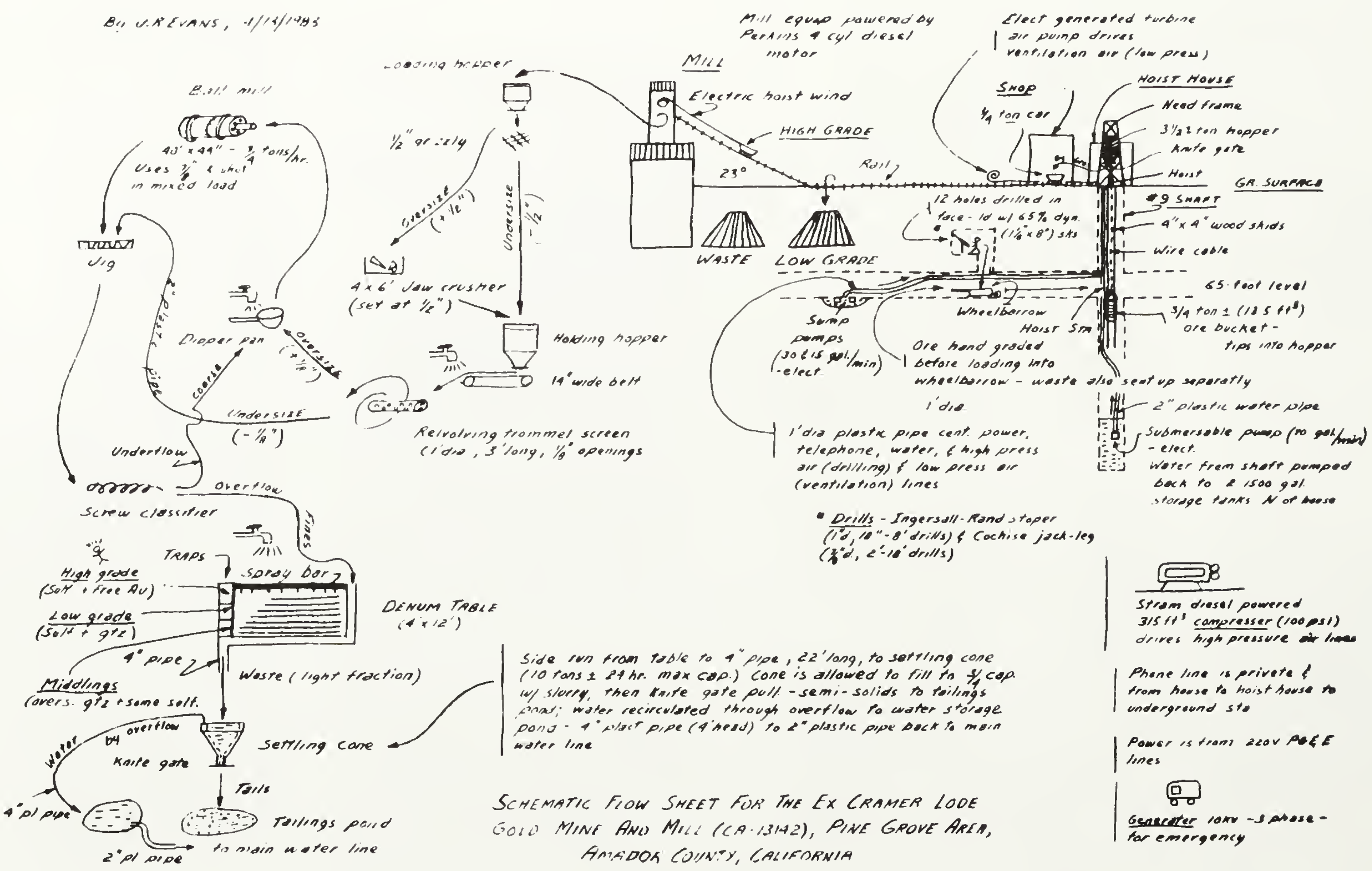
Features which affect the ability to mine, or the economics of the deposit will be noted. These include structurally incompetent zones in the rock, water seepage, or areas closed because of structural or environmental hazards (these areas are not entered by the mineral examiner), reclamation practice, and environmental mitigation measures.

Although a formal National Environmental Policy Act (NEPA) analysis is not required prior to issuance of patent, reclamation and envornmental costs to satisfy the requirements of Federal, State, and local laws and regulations are to be considered in the mineral exmination. See United States v. Kosanke Sand Corp. (On Reconsideration), 12 IBLA 282, 80 ID 538 (1973); U.S. v. Pittsburgh Pacific Co., 30 IBLA 388, 84 ID 282 (1977), affirmed 462 F.Supp. 905, 614 F2d 1190 (1980); United States Steel Corp., 52 IBLA 319 (1981).

This requirement for our examination and reports was summarized in Kosanke Sand as follows:

> "That the Secretary is not required to file an environmental impact statement as a condition precedent to issuance of patent does not foreclose consideration of environmental costs in the resolution of the issue before us: whether each of the claims is in fact valid by reason of the discovery of a valuable mineral deposit within it's limits. To the extent Federal, State, or local law requires that anti-pollution devices or other environmental safeguards be installed and maintained as part of the process of extraction and beneficiation of the minerals contained in the claims, the expenditures made necessary by such protective measures may properly be considered in connection with the issue of marketability, as part of the costs in determining whether appellant has a reasonable prospect of success in developing a valuable mine within the claims."

If not provided in the patent application, a flow sheet of operations is requested from the applicant, or prepared by the BLM examiner and the applicant in the field. This flow sheet of actual or proposed mining, processing, and reclamation operations is essential as it sets the parameters for mining, mineral separation, refining activities, mining waste, and water use and disposal. Sampling procedures and analysis of the samples should reflect the manner of mineral recovery operations shown on the flow sheet. The economics of the operation can be better understood and defined when the operation is set out in a process flow sheet. Examples of flow diagrams are shown in Figures F-2 and F-3, pages 66 and 67.



Mill equip powered by Perkins 4 cyl diesel motor

Elect generated turbine air pump drives ventilation air (low press)

Ore hand graded before loading into wheelbarrow - waste also sent up separatly

1' dia plastic pipe cent. power, telephone, water, & high press air (drilling) & low press air (ventilation) lines

Water from shaft pumped back to 2 1500 gal. storage tanks N of house

* Drills - Ingersall-Rand stoper (1"d, 18"-8' drills) & Cochise jack-leg (7/8"d, 2'-18' drills)

Stram diesel powered 315 ft³ compresser (100 psi) drives high pressure air lines

Phone line is private & from house to hoist house to underground sta

Power is from 220v PG&E lines

Generater 10kv -3 phase - for emergency

Side run from table to 4" pipe, 22' long, to settling cone (10 tons ± 24 hr. max cap.) Cone is allowed to fill to 3/4 cap. w/ slurry, then knife gate pull - semi-solids to tailings pond; water recirculated through overflow to water storage pond - 4" plast pipe (4' head) to 2" plastic pipe back to main water line

SCHEMATIC FLOW SHEET FOR THE EX CRAMER LODE GOLD MINE AND MILL (CA-13142), PINE GROVE AREA, AMADOR COUNTY, CALIFORNIA

Figure F-2. Schematic flow sheet for the Ex Cramer Lode Gold Mine and Mill (CA-13142), Pine Grove Area, Amador County, California.

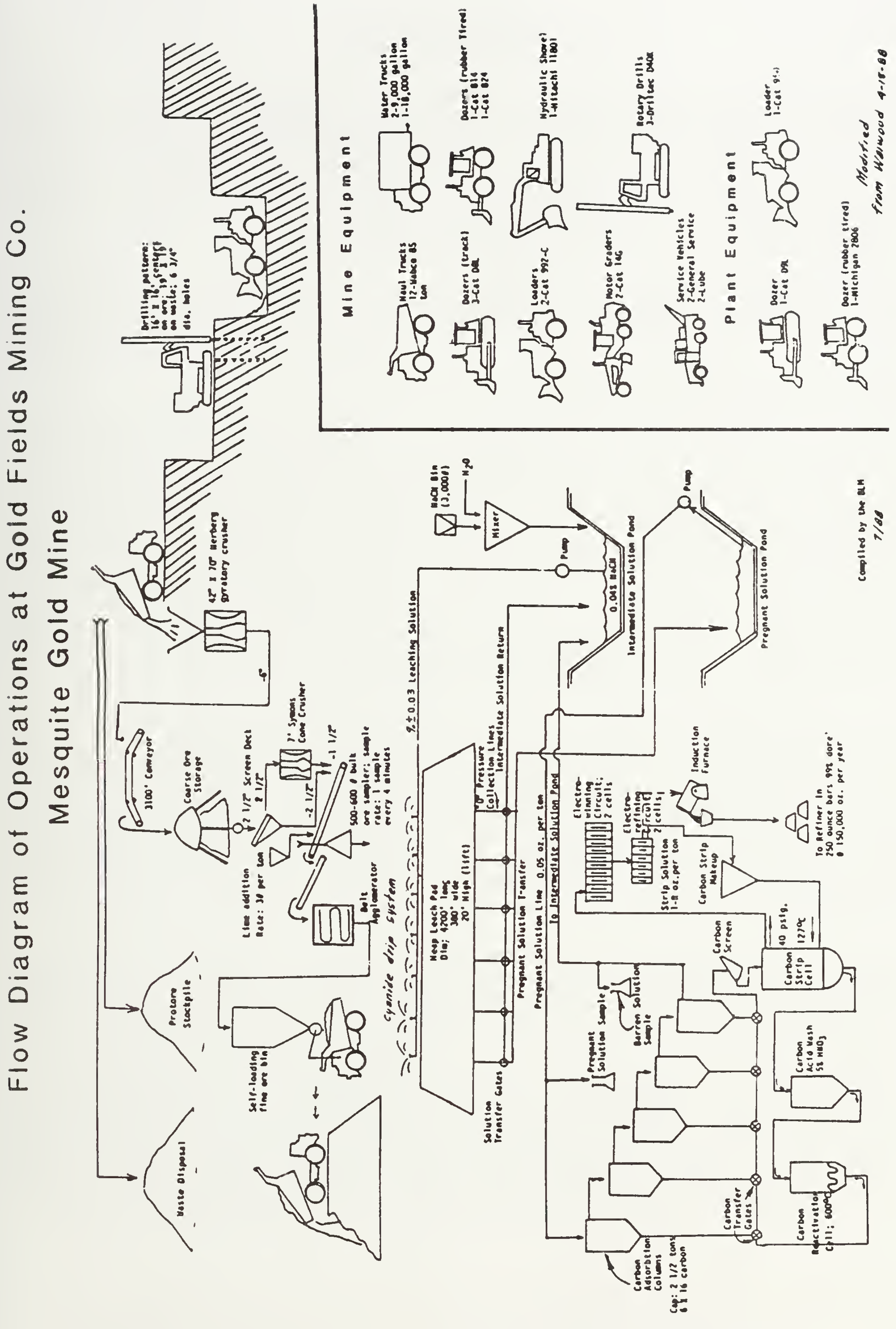

Flow Diagram of Operations at Gold Fields Mining Co.
Mesquite Gold Mine
Drilling pattern: 16' x 16' on ore; 19' x 19' on waste; 6 3/4" dia. holes
42" x 70" Herberg gyratory crusher
-8"
3100' Conveyor
Coarse Ore Storage
Lime addition Rate: 3# per ton
2 1/2" Screen Deck
-2 1/2"
7' Symons Cone Crusher
-1 1/2"
500-600 # bulk ore sampler; sample rate: 1 sample every 4 minutes
Belt Agglomerator
Protore Stockpile
Waste Disposal
Self-loading fine ore bin
Cyanide drip system
9.±0.03 Leaching Solution
Heap Leach Pad Dim; 4700' long 380' wide 20' High (lift)
Pressure Collection Lines
Intermediate Solution Return
Pregnant Solution Transfer
Pregnant Solution Line 0.05 oz. per ton
To Intermediate Solution Pond
Solution Transfer Gates
NaCN Bin (3,000#)
H2O
Mixer
Pump
0.04% NaCN
Intermediate Solution Pond
Pump
Pregnant Solution Pond
Electro-winning Circuit; 2 cells
Electro-refining Circuit (2 cells)
Strip Solution 1-8 oz. per ton
Induction Furnace
To Refiner in 250 ounce bars 99% dore' @ 150,000 oz. per year
Carbon Strip Makeup
40 psig.
127°C
Carbon Screen
Carbon Strip Cell
Pregnant Solution Sample
Barren Solution Sample
Carbon Acid Wash 5% HNO3
Carbon Reactivation Cell; 600°C
Carbon Transfer Gates
Carbon Adsorbtion Columns
Cap: 2 1/2 tons 6 X 16 carbon
Mine Equipment
Haul Trucks 12-Wabco 85 ton
Water Trucks 2-9,000 gallon 1-18,000 gallon
Dozers (track) 3-Cat D8L
Dozers (rubber Tired) 1-Cat 814 1-Cat 824
Loaders 2-Cat 992-C
Hydroulic Shovel 1-Hitachi 1180!
Motor Graders 2-Cat 14G
Rotary Drills 3-Drillec D40K
Service Vehicles 2-General Service 2-Lube
Plant Equipment
Dozer 1-Cat D8L
Loader 1-Cat 9?
Dozer (rubber tired) 1-Michigan 280B
Modified from Westwood 4-15-88
Compiled by the BLM 7/88

Figure F-3. Flow diagram of operations at Gold Fields Mining Co. Mesquite Gold Mine.

Sampling Procedures

After review, and or preparation of geologic maps, verification of the quality and quantity of the mineral deposit supporting the discovery is undertaken by the mineral examiner. This is done by sampling selected areas of the deposit. As previously mentioned, proper sampling and sample processing are critical to developing the right recovery process. It is important to obtain all information as to size, distribution, grade, gangue, interfering minerals, hardness, roundness, and impurity content, to name just a few essential considerations.

This information is necessary in order to assess the viability of the mining and mineral processing methods and reflect the best picture of a deposit. It is not the intent of the BLM mineral examiner to make a discovery for the claimant, however, in addition to samples taken by the mineral examiner they will sample wherever a claimant wishes as long as it is safe to do so.

The mineral examiner cannot be expected to make a decision about mineral quality and quantity if the methods used to gather and evaluate data are not up to industry standards. For example, a one dimensional sampling pattern along the exposure of a vein or structure cannot provide grade results to depths below the area of influence of the surface samples. A prudent decision to invest time and money in the project with the expectation of a return on that time and money cannot be made without proper data. Drilling, trenching or subsurface development would be needed to assess the quality and quantity of the deposit, thereby allowing for a three dimensional measurement of the mineral. Lacking evidence of additional mineralization, a discovery may not have been made unless the value of the near surface material was great enough to stand on its own.

There are major differences in the evaluation of metallic and nonmetallic minerals. Nonmetallic minerals yield a high percent of their bulk as the final product (e.g., limestone, talc, gypsum) and metallic minerals yield only a small portion of their bulk to the final product (most metallic deposits including gold placer deposits). Sampling and further analysis of the samples must reflect these differences. Sample locations are noted on the geologic and mine workings map(s). Photographs, and notes and sketches are made of the sample sites. Samples are secured by the mineral examiner until processed internally or sent to commercial laboratories.

Where mineral deposits are too large and complex for the BLM to appropriately sample (e.g., bulk disseminated metallic mineral deposits) a number of data needs may be used to assist in verifying discovery. All require the assistance of the applicant and may incorporate analysis of drill logs, deposit modeling, mine or pit design maps, sampling of head and tail process streams, utilization of operator equipment, and in some extreme cases, new drilling or sampling by the applicant to "fill in" data or information gaps. Patent applicants with complex deposits should anticipate the data needs supporting their discovery and tailor their submissions accordingly. For example, the relationship of their deposit modeling or pit design models to mining claim boundaries is critical. Also, condemnation drilling or other work supporting the nonmineral character for mill site applications may be required.

Analyses of Samples

Equally important as taking the sample, is the way the sample is processed. This is determined by analyzing or assaying the sample for the specific products or elements claimed by the applicant to be of interest. The analysis may be as simple as determining the presence and quantity of a product in units of measure such as cubic yards. In cases involving gemstones, the measure of unit may be value per carat or gram. Rather than using analytical chemistry to resolve the quality issue, the examiner may use a certified gemologist to appraise the market value of the gemstones. Dimension stone may be considered in terms of value per square feet and how many square feet per sales unit. Whatever the manner of analysis conducted, it should reflect the method of recovery used or proposed by the operator.

Specific to placer precious metal deposits, the BLM in California processes placer samples on site, with further refinement in the BLM Folsom Minerals Laboratory. Like other sampling techniques, placer sample evaluation reflects current or proposed processing operations by the applicant. Whatever the system, the BLM can test it as a full complement of placer equipment ranging from Gold Savers to amalgamation equipment if maintained. Recovered gold is also examined, described, and photographed under a binocular microscope. Shape, size, and contained rock fragments can influence the selection of recovery systems. For example, fine flat gold may require secondary systems with jigs or Knudsen Bowls for efficient recovery.

We regard sampling and related procedures as of critical importance because errors can result through selection of sample sites, methods of sampling, size of sample taken, sample preparation, and analytical techniques used.

Mineral Examinations by Non BLM Agencies and Consultants

The U.S. Forest Service (USFS) has authority over surface management activity on mining claims on National Forest land. By a Memorandum Of Understanding between the USFS and BLM (dated May 3, 1957), Certified Mineral Examiners of the USFS conduct the necessary field examinations and prepare mineral reports with conclusions and recommendations for further action for the patent application. However, the Secretary of Interior is solely responsible for ensuring that all requirements of the patent process have been met.

BLM will issue patent when the mineral report supports that all the elements of the application and requirements of law have been met. If the elements of a contest are present in a USFS report, the BLM will initiate a contest action based on the findings in the conclusion of the report.

Field examinations and mineral reports can also be provided by consultants hired by a patent applicant. This action is sometimes preferred by applicants in order to expedite the patent process. The consultant's mineral patent report must be reviewed for adequacy by the BLM. These reports should conform to BLM standards for mineral report preparation, and the field examination conducted in accordance with established and accepted practice of industry and the BLM.

Table T-6. Field and Office schedules for patent determinations on mining claims and mill sites.

Pre-Exam Data Gathering Preparation and Procedures

1. Examine case file for information and completeness.
2. Obtain and examine legal data, CAMC files, location notices, Notice of Intent (NOI) to Hold or patent, assessment work forms, and encumbrances of title.
3. Check mineral survey plats and field notes.
4. Assemble and examine topographic maps, geologic maps, and aerial photos.
5. Assemble and examine technical references concerning geology, mineralization, mining, mineral economics.
6. Obtain and carry mine and trench safety orders (BLM, CSO IM CA-85-263, 4-30-85).
7. Assemble all needed field equipment.
8. Appoint a lead examiner if more than one mineral examiner participates. The lead examiner must be certified.

Examination

1. Make arrangements with claimant at least 30 days in advance of field visit.
2. Meet with claimant and discuss examination procedures and practice.
3. Make diligent search for claim corners and discovery monuments.
4. Walk the claim and get a "feel" for it. Make sure mine workings and structures are safe for entry.
5. Prepare geologic map of claim or verify already prepared geologic maps, preferably on topographic map.
    a. Map and plot physical and surface features--claim monuments, rock units, structures.
    b. Map and plot mine works and geological features.
    c. Map and plot underground works--including the geology.
    d. Verify and identify improvements and work that totals at least $500/claim.
    e. Take numerous photographs-all claim corners, monuments, geologic and mining features.
6. Analyze discovery area:
    a. Pay special attention to details; ask claimant to identify areas (make sure they are on claim).
    b. Prepare or check maps, sketches, conduct sampling, in appropriate manner and at appropriate scales.
7. Work up maps and sketches in field to eliminate need for a return trip. Take proper field notes in proper format.
8. Gather all information possible from claimant, such as reports on technical and economic data, costs.
9. Photograph and sketch all mill and plant facilities; obtain flow sheet if available; make one if not.
10. Write up all data in report with full disclosure for technical reviewer. Confidential data can be summarized, or pertinent parts quoted.

PROFESSIONAL MINERAL REPORT PREPARATION AND TECHNICAL REVIEW

By J.R. Evans and R.M. Waiwood

General

A mineral report contains the written and graphic presentations of findings made during office research, laboratory testing, and field examination of a mineral deposit. It includes documentary text, illustrations, testing results, interpretations, recommendations, and conclusions in regard to the deposit. Reports should be complete and accurate, prepared in a clear and concise manner, and appropriate in tone. Thought and care must be given to the preparation of the report so it will convey to others the impression of competency based on accepted professional standards and compliance with current policies and legal interpretations of the Department of the Interior.

BLM Mineral Reports

The following text is an outline of topics generally included in BLM Mineral Reports concerning patent and validity of mining claims and mill sites. Topics are inclusive and it does not mean that all of them would be in every report.

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

INTRODUCTION
- General
- Purpose and Scope of Report
- Dates and Scope of Field and Laboratory Examinations and Conferences

PHYSICAL FEATURES AND SURFACE IMPROVEMENTS
- Location, Accessibility, and Physiography
- Climate and Vegetation
- Water and Water Facilities
- Man-Made Improvements, Power and Communication
- Surface Improvements and Certificate of Expenditures

ENVIRONMENTAL FEATURES

LAND INVOLVED AND STATUS AND RECORD DATA
- General
- Mining Claim Data
- Mill Site Data
- Mineral Survey Data
- Legal Proofs and Descriptions, Posting, and Dates of Action
- Relinquishments
- Prior Leases, Permits, Contracts, Reservations, or Other Encumbrances
- Leasable Mineral Considerations

REGIONAL GEOLOGY AND MINING HISTORY
- Regional Geology
- Mining History

SITE GEOLOGY AND MINE WORKINGS
- Site Geology
- Mineralization
- Exploration Activity
- Development Activity
- Sampling and Sample Preparation Activities
- Analytical Methods and Data
- Grade and Tonnage
- Mine Workings, Final Pit or Workings Design, and Waste To Mineral-Bearing Rock Ratio

MINING, MILLING, AND RELATED OPERATIONS
- Mining
- Milling
- Processing
- Production
- Reclamation

VALIDITY OF MILL SITES
- Type of Mill Site (Dependent or Independent)
- Legal Proofs
- Geology and Mineral in Character Nature
- Milling, Processing, Other Uses, and the 2½-Acre Rule
- Other

EVALUATION OF COMMON VARIETY NATURE OF ______________________
- General
- Other Deposits and Utilization Generally
- Specific Utilization
- Marketing
- Comparison and Analysis With Criteria in McCarty vs. Secretary of the Interior, 408 F2d 907, 908 (9th Cir. 1969)
- Specific Analysis

Note: See Section of this report on Common and Uncommon Varieties of Minerals

ECONOMIC EVALUATION
- General
- Utilization
- Marketing and/or Market Entry
- Verification of Technical and Economic Data
- Deposit Modeling and Mineral Patent Relationships
- Economic Evaluation, and 10-Acre Rule Findings For Placer Mining Claims
- Reclamation and Environmental Mitigation Costs

REFERENCES (Use U.S. Geological Survey format)

Note: Include appropriate maps, cross-sections, sketches, tables, figures, milling and processing flow diagrams, photographs, and attachments (legal documents, forms, notices, and so forth).

U.S. Forest Service (USFS) Mineral Reports

Under a Memorandum of Understanding (MOU) signed by the BLM on May 3, 1957 the USFS makes field examinations and mineral reports on mining claim validity determinations and mineral patent applications on USFS-administered land. However, the USFS mineral reports receive BLM final technical review and approval under guidelines given in BLM Manual 3060 - Mineral Reports - Preparation and Review (3060.01 Purpose, 8/25/86). Information in a USFS mineral report should be generally the same as in a BLM mineral report (see sections above).

Consultant Mineral Reports

Qualified private sector consultants can make mineral examinations and mineral reports for mineral patent applicants. They are subject to the same concerns for accuracy and professionalism as are reports by Federal governmental agencies. These reports should meet BLM standards and will be verified by the BLM.

Confidential Information In Mineral Reports

The following section was taken directly from BLM Manual 3060-Mineral Reports - Preparation and Review (3060.18, 1/13/88).

> Confidential Information used in a mineral report must be contained in a separate, detachable appendix to the report. If the report is made available for public inspection, the confidential information must be removed. Line by line deletion may be necessary. The report must be written to permit the removal without affecting the content of the text of the report. (See Bureau Manual Section 1273 and 43 CFR 2.13 and 2.79.) Information collected by the Government for its own use in evaluating public land is usually not considered to be confidential.

Technical Review of Mineral Reports

After a governmental mineral report is completed and preliminary technical reviews made it is submitted to the BLM California State Office (CASO) Certified Review Mineral Examiner for final technical review. The technical reviewer is charged with ensuring that professional and technical procedures were followed and the basis for the conclusions is in conformance with the requirements of the mining laws. Unacceptable mineral reports are returned to the originating office for identified revisions (see BLM Manual 3060.31A).

After technical review is perfected on BLM mineral reports they are submitted for management acknowledgement and comment. Usually the manager involved is a District Office Manager. Because the recommendations of the mineral report are advisory in nature they are not subject to revision by a manager (see BLM Manual 3060.4). USFS Forest Supervisors do management acknowledgement on mineral reports generated by the USFS. Acknowledgement is made prior to submission to the BLM CASO for final technical review.

ACTIONS BASED ON MINERAL REPORT

By Rose M. Fairbanks

General

In the mineral report, the mineral examiner will recommend the disposition of each claim in the mineral patent application. The examiner will recommend patent issuance for all the claims; only certain claims; portions of claims; or none of the claims. For those claims, or portions thereof, not recommended for patent, contest action may be initiated. Unless the land is needed for administrative purposes, the claimant is usually given the opportunity to withdraw claims not recommended for patent from the application. If the claimant is not given the option, or fails to withdraw when the opportunity is presented, contest action will be initiated.

Mineral Patent Recommended

When a mineral patent issues, it ordinarily conveys fee title to both the surface and subsurface land. Various laws provide for exceptions to this policy. One exception would occur when the surface has been patented under an Act which allows for split estate. An example is the Stockraising Homestead Act of December 29, 1916 (43 U.S.C. 299). Another exception is a mineral patent issued in National Forest Wilderness when the claim was either located or validated by a discovery occurring after September 3, 1964 (16 U.S.C. 1131).

In these instances, title would convey to the mineral deposits, but not the surface. Reservations, such as required by law, are imposed in the patent. For example, all patents issued in California must contain a reservation of ditches and canals (Document D-1, page 76). Under certain conditions, the leasable minerals may be reserved (Document D-2, page 77). Patents for claims situated in the California Desert Conservation Area, whose discovery dates postdate the Federal Land Policy and Management Act of 1976, contain special wording to protect the desert (Document D-2, page 77). Claims situated within a power site reserve or classification contain certain reservations (Document D-1, page 76). All patents issued for placer claims are made subject to certain conditions and stipulations regarding boundaries and known lodes (Document D-3, page 78). Patents are made subject to prior existing rights-of-way (Document D-3, page 78).

The signing of the patent document by the authorized BLM officer conveys fee title.

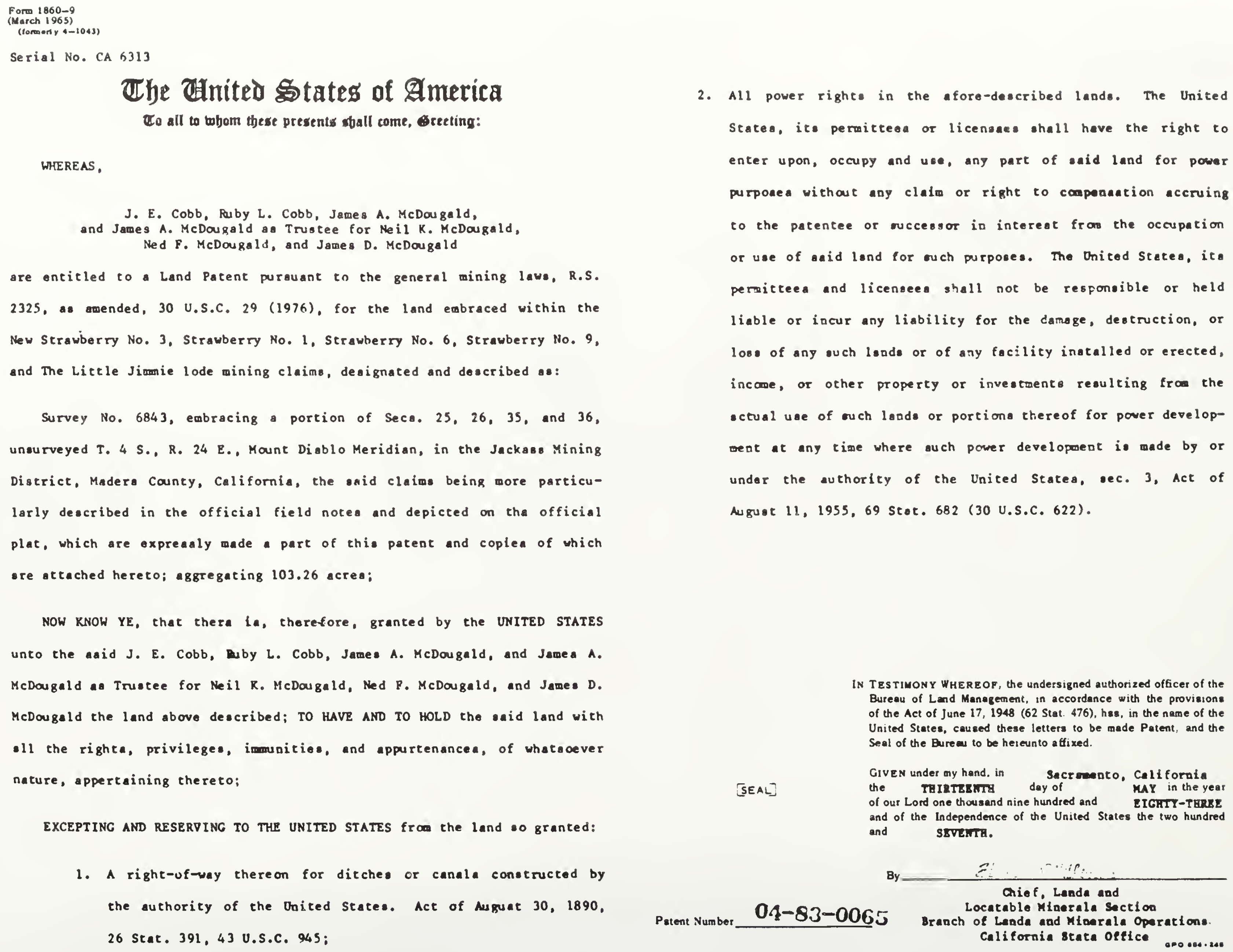
Contest Recommended

When contest is recommended, a Complaint (contest of mining claims) is initiated. The Complaint will contain "charges" recommended by the mineral examiner. An example of a "charge" frequently used is: "There are not presently disclosed within the boundaries of the mining claims minerals of a variety subject to the mining laws, sufficient in quantity, quality, and value to constitute a discovery." The Complaint will also contain a prayer for relief, i.e., that the mineral entry be cancelled and that said mining claims be declared null and void. If the claimant does not file a timely answer, the claims will be declared null and void by BLM. If the claimant files a timely answer to the Complaint specifically denying the charges (which can simply be a letter, referencing the Complaint and stating, "I deny the charges"), the case will be forwarded to the Office of Hearings and Appeals. The only documents sent by BLM will be a copy of the Complaint, proof of service on the claimant (certified return receipt card), and a copy of the claimant's answer. The case will be heard before an Administrative Law Judge (ALJ). At the Hearing, the Surface Management Agency (either U.S. Forest Service or BLM), represented by an attorney from the agency, will present a prima facie case showing why it believes the charges to be true. The claimant, who may either represent him or herself, or engage an attorney, will present evidence to refute the charges. A Hearing is more informal than a court proceeding.

The ALJ will consider the evidence presented by both parties and render a decision. The decision may be adverse to either party and is appealable by either party to the Interior Board of Land Appeals (IBLA). If either party appeals to IBLA, the case record is forwarded to IBLA by the ALJ, where a panel of Administrative Judges renders a decision based on the case record. Any decision rendered by IBLA is binding on the Department. An example of a Contest Complaint is shown in Document D-4, page 79.

Part Patent and Part Contest Recommended

When there are several claims in an application and some are recommended for patent while contest action is recommended for the remainder, the applicant will be given the choice of having patent issue at this time for those claims recommended for patent, or the claimant may elect to await the outcome of the contest proceedings. If the claimant chooses that patent issue for the clear-listed claims, patent will issue immediately for those claims. Then, if contested claims are later ruled to be valid, a supplemental patent will issue for those claims when the adverse proceedings are completed. This applies if an entire claim is recommended for patent. Where part of a placer claim is recommended for patent, and part is recommended for contest action, patent cannot issue for the recommended part of the claim until the contest action is completed.



Form 1860–9
(March 1965)
(formerly 4–1043)

Serial No. CA 6313

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS,

J. E. Cobb, Ruby L. Cobb, James A. McDougald,
and James A. McDougald as Trustee for Neil K. McDougald,
Ned F. McDougald, and James D. McDougald

are entitled to a Land Patent pursuant to the general mining laws, R.S. 2325, as amended, 30 U.S.C. 29 (1976), for the land embraced within the New Strawberry No. 3, Strawberry No. 1, Strawberry No. 6, Strawberry No. 9, and The Little Jimmie lode mining claims, designated and described as:

Survey No. 6843, embracing a portion of Secs. 25, 26, 35, and 36, unsurveyed T. 4 S., R. 24 E., Mount Diablo Meridian, in the Jackass Mining District, Madera County, California, the said claims being more particularly described in the official field notes and depicted on the official plat, which are expressly made a part of this patent and copies of which are attached hereto; aggregating 103.26 acres;

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the said J. E. Cobb, Ruby L. Cobb, James A. McDougald, and James A. McDougald as Trustee for Neil K. McDougald, Ned F. McDougald, and James D. McDougald the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, appertaining thereto;

EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. All power rights in the afore-described lands. The United States, its permittees or licensees shall have the right to enter upon, occupy and use, any part of said land for power purposes without any claim or right to compensation accruing to the patentee or successor in interest from the occupation or use of said land for such purposes. The United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any such lands or of any facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, sec. 3, Act of August 11, 1955, 69 Stat. 682 (30 U.S.C. 622).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in Sacramento, California the THIRTEENTH day of MAY in the year of our Lord one thousand nine hundred and EIGHTY-THREE and of the Independence of the United States the two hundred and SEVENTH.

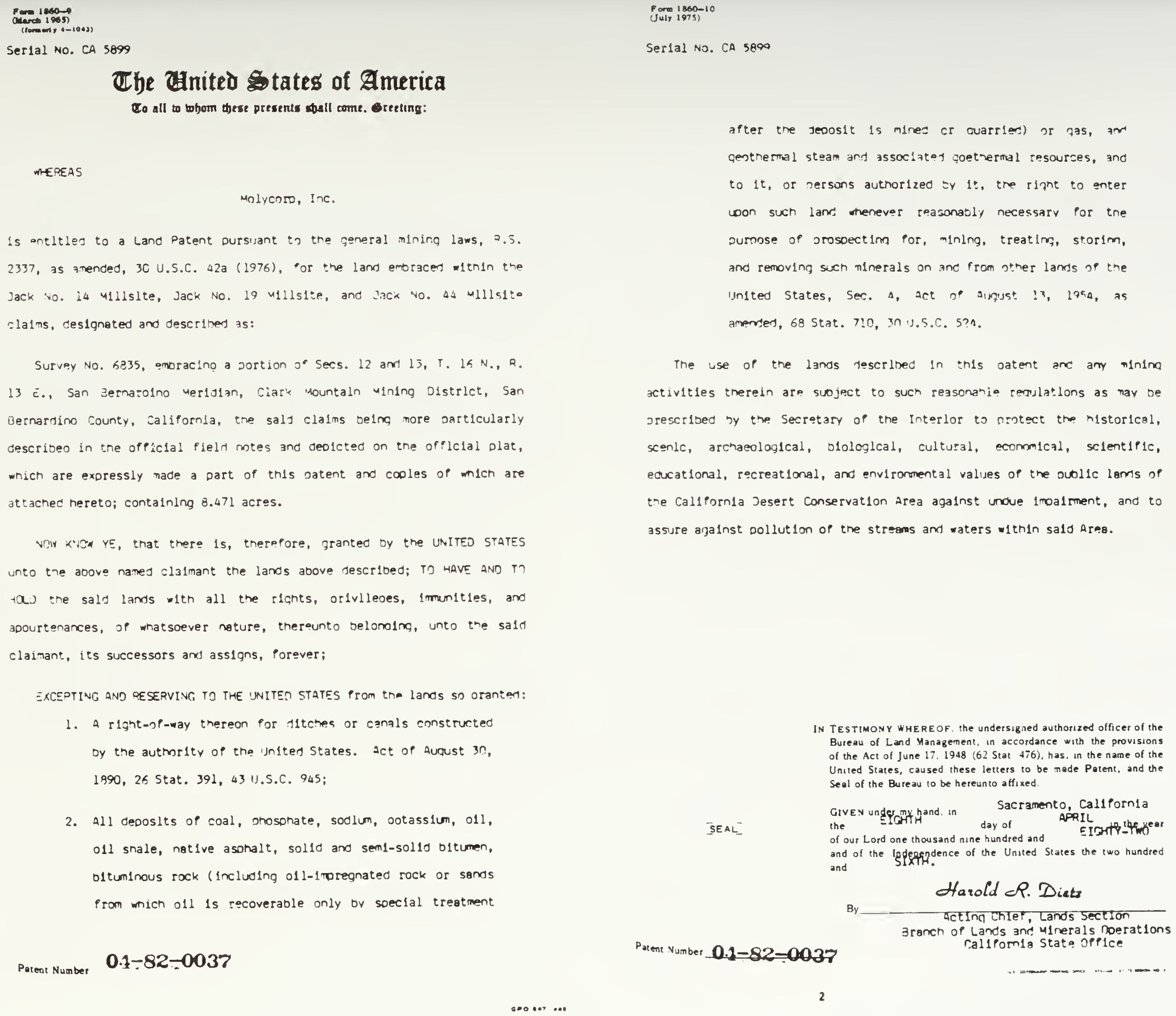
By ____________________

Chief, Lands and
Locatable Minerals Section
Branch of Lands and Minerals Operations
California State Office

Patent Number 04-83-0065

GPO 884-248

Document D-1. Mineral patent for lode mining claims with right-of-way and power rights reservations.



Form 1860-9
(March 1965)
(formerly 4-1043)

Serial No. CA 5899

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

Molycorp, Inc.

is entitled to a Land Patent pursuant to the general mining laws, R.S. 2337, as amended, 30 U.S.C. 42a (1976), for the land embraced within the Jack No. 14 Millsite, Jack No. 19 Millsite, and Jack No. 44 Millsite claims, designated and described as:

Survey No. 6835, embracing a portion of Secs. 12 and 13, T. 16 N., R. 13 E., San Bernardino Meridian, Clark Mountain Mining District, San Bernardino County, California, the said claims being more particularly described in the official field notes and depicted on the official plat, which are expressly made a part of this patent and copies of which are attached hereto; containing 8.471 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimant the lands above described; TO HAVE AND TO HOLD the said lands with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, its successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. All deposits of coal, phosphate, sodium, potassium, oil, oil shale, native asphalt, solid and semi-solid bitumen, bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment

Patent Number 04-82-0037

GPO 847 446

Form 1860-10
(July 1975)

Serial No. CA 5899

after the deposit is mined or quarried) or gas, and geothermal steam and associated geothermal resources, and to it, or persons authorized by it, the right to enter upon such land whenever reasonably necessary for the purpose of prospecting for, mining, treating, storing, and removing such minerals on and from other lands of the United States, Sec. 4, Act of August 13, 1954, as amended, 68 Stat. 710, 30 U.S.C. 524.

The use of the lands described in this patent and any mining activities therein are subject to such reasonable regulations as may be prescribed by the Secretary of the Interior to protect the historical, scenic, archaeological, biological, cultural, economical, scientific, educational, recreational, and environmental values of the public lands of the California Desert Conservation Area against undue impairment, and to assure against pollution of the streams and waters within said Area.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Sacramento, California
the EIGHTH day of APRIL in the year
of our Lord one thousand nine hundred and EIGHTY-TWO
and of the Independence of the United States the two hundred
and SIXTH.

[SEAL]

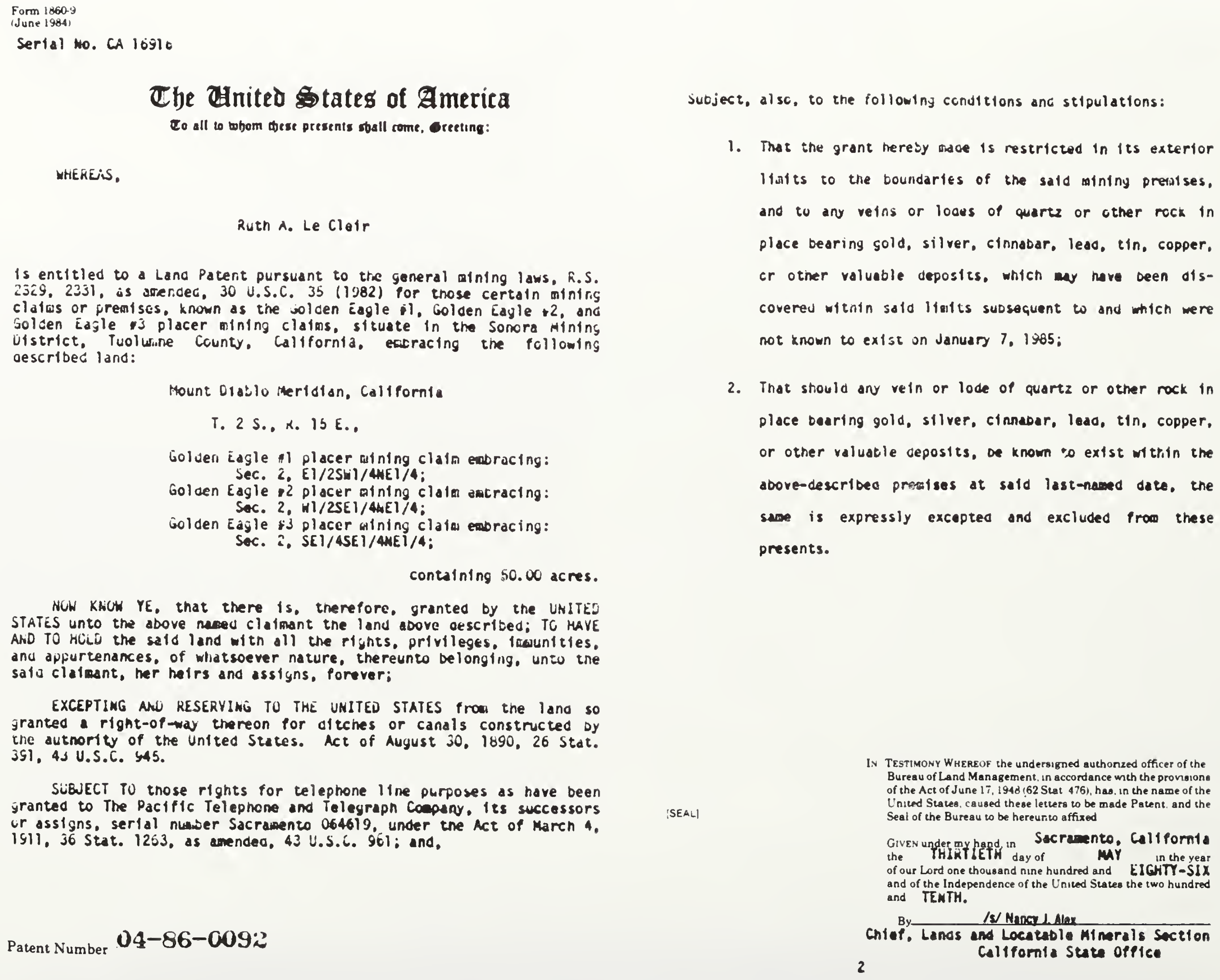
Harold R. Dietz

By Acting Chief, Lands Section
Branch of Lands and Minerals Operations
California State Office

Patent Number 04-82-0037

2

Document D-2. Mineral patent for mill sites with right-of-way, leasable mineral, and California Desert Conservation Area Reservations.



Form 1860-9
(June 1984)

Serial No. CA 16916

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS,

Ruth A. Le Clair

is entitled to a Land Patent pursuant to the general mining laws, R.S. 2329, 2331, as amended, 30 U.S.C. 35 (1982) for those certain mining claims or premises, known as the Golden Eagle #1, Golden Eagle #2, and Golden Eagle #3 placer mining claims, situate in the Sonora Mining District, Tuolumne County, California, embracing the following described land:

Mount Diablo Meridian, California

T. 2 S., R. 15 E.,

Golden Eagle #1 placer mining claim embracing:
Sec. 2, E1/2SW1/4NE1/4;
Golden Eagle #2 placer mining claim embracing:
Sec. 2, W1/2SE1/4NE1/4;
Golden Eagle #3 placer mining claim embracing:
Sec. 2, SE1/4SE1/4NE1/4;

containing 60.00 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, her heirs and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted a right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

SUBJECT TO those rights for telephone line purposes as have been granted to The Pacific Telephone and Telegraph Company, its successors or assigns, serial number Sacramento 064619, under the Act of March 4, 1911, 36 Stat. 1253, as amended, 43 U.S.C. 961; and,

Patent Number 04-86-0092

Subject, also, to the following conditions and stipulations:

1. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on January 7, 1985;
2. That should any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from these presents.

[SEAL]

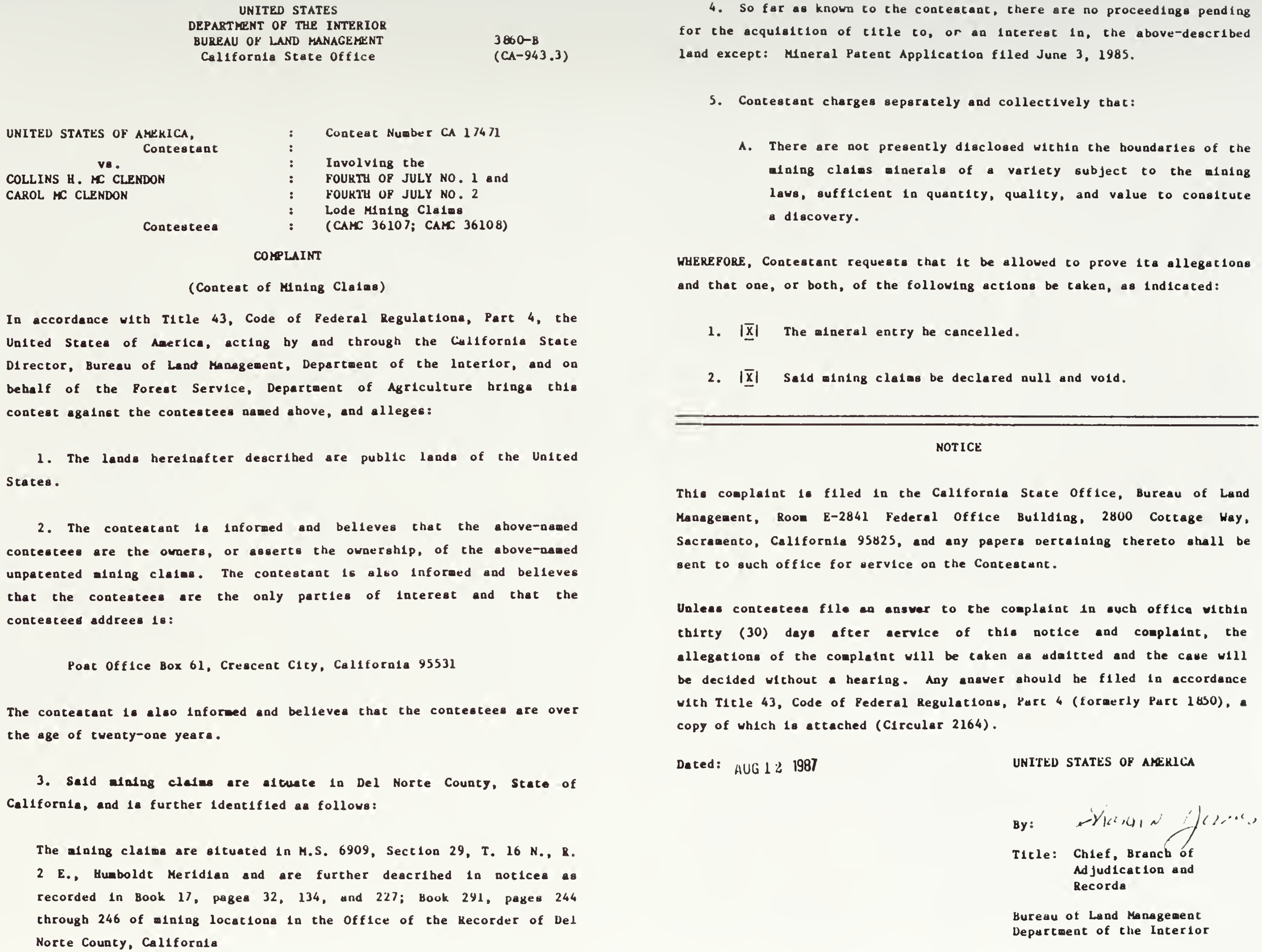
IN TESTIMONY WHEREOF the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Sacramento, California the THIRTIETH day of MAY in the year of our Lord one thousand nine hundred and EIGHTY-SIX and of the Independence of the United States the two hundred and TENTH.

By /s/ Nancy J. Alex
Chief, Lands and Locatable Minerals Section
California State Office

2

Document D-3. Mineral patent for placer mining claims with right-of-way and veins or lodes reservations.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
California State Office

3860-B
(CA-943.3)

UNITED STATES OF AMERICA, : Contest Number CA 17471
Contestant :
vs. : Involving the
COLLINS H. MC CLENDON : FOURTH OF JULY NO. 1 and
CAROL MC CLENDON : FOURTH OF JULY NO. 2
: Lode Mining Claims
Contestees : (CAMC 36107; CAMC 36108)

COMPLAINT

(Contest of Mining Claims)

In accordance with Title 43, Code of Federal Regulations, Part 4, the United States of America, acting by and through the California State Director, Bureau of Land Management, Department of the Interior, and on behalf of the Forest Service, Department of Agriculture brings this contest against the contestees named above, and alleges:

1. The lands hereinafter described are public lands of the United States.

2. The contestant is informed and believes that the above-named contestees are the owners, or asserts the ownership, of the above-named unpatented mining claims. The contestant is also informed and believes that the contestees are the only parties of interest and that the contestees address is:

Post Office Box 61, Crescent City, California 95531

The contestant is also informed and believes that the contestees are over the age of twenty-one years.

3. Said mining claims are situate in Del Norte County, State of California, and is further identified as follows:

The mining claims are situated in M.S. 6909, Section 29, T. 16 N., R. 2 E., Humboldt Meridian and are further described in notices as recorded in Book 17, pages 32, 134, and 227; Book 291, pages 244 through 246 of mining locations in the Office of the Recorder of Del Norte County, California

4. So far as known to the contestant, there are no proceedings pending for the acquisition of title to, or an interest in, the above-described land except: Mineral Patent Application filed June 3, 1985.

5. Contestant charges separately and collectively that:

A. There are not presently disclosed within the boundaries of the mining claims minerals of a variety subject to the mining laws, sufficient in quantity, quality, and value to consitute a discovery.

WHEREFORE, Contestant requests that it be allowed to prove its allegations and that one, or both, of the following actions be taken, as indicated:

1. ☒ The mineral entry be cancelled.

2. ☒ Said mining claims be declared null and void.

NOTICE

This complaint is filed in the California State Office, Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, and any papers pertaining thereto shall be sent to such office for service on the Contestant.

Unless contestees file an answer to the complaint in such office within thirty (30) days after service of this notice and complaint, the allegations of the complaint will be taken as admitted and the case will be decided without a hearing. Any answer should be filed in accordance with Title 43, Code of Federal Regulations, Part 4 (formerly Part 1850), a copy of which is attached (Circular 2164).

Dated: AUG 12 1987

UNITED STATES OF AMERICA

By:

Title: Chief, Branch of
Adjudication and
Records

Bureau of Land Management
Department of the Interior

Document D-4. Complaint (Contest of Mining Claims) for Contest Number CA 17471.

PUBLIC INFORMATION REGARDING MINERAL PATENTS

By Bobbie J. Baldwin

General

The BLM is the official land and mineral ownership record-keeping agency for the Federal government including mineral patent data. In this capacity, the BLM California State Office (CASO), Sacramento has these records for the State of California available for public inspection.

The CASO Public Room, (E-2811) at 2800 Cottage Way, Sacramento, is open to the public Monday through Friday from 7:30 a.m. to 5:00 p.m. Public contact representatives are available to assist persons reviewing records as well as answer requests by telephone and by mail. General or specific information can be given over the telephone - (916) 978-4754 - but, because of the large interest in public records, minimum research is available over the telephone. Paper copies or microfiche copies of most documents, regulations, and forms may be obtained for a fee, either in person or by written request.

The following sections give a description of plats and documents that are public records available for public inspection. Plats and copies of the records may be purchased over-the-counter at the CASO. Copies of certain documents may be purchased at the BLM District and Area Offices. Inquire at your local BLM office for availability of documents.

Land Status Records

Master Title Plats (MTP):

For every township in California, BLM has prepared a MTP (see Map M-4, page 24). A MTP is a pictorial display of title actions that affect Federal ownership. This title information is plotted on a base map showing the most recently approved Federal survey lines for sections, tracts, homestead surveys, mineral surveys, and meanders along the boundaries of certain lakes and rivers. The MTP illustrates title information by the use of various kinds of lines and symbols to identify areas affected by a particular Federal action. Each such action is also indicated by an abbreviated notation which identifies the action and/or the legal authority for the action. A free pamphlet entitled The Public Land Records For California is most useful in interpreting data given on a MTP. The pamphlet is available in all BLM offices.

Solid, dark lines are drawn around lands that have been patented into private ownership. The patent numbers and any reservations to the United States, including reservations of minerals, are noted to the MTP. The absence of dark, solid patent lines and a patent number would indicate the land is still Federal land - often referred to as public domain land. Dark lines are also used to outline lands that have been reconveyed to the U.S. and returned to the public domain. Withdrawals for National Forests, reclamation projects, Federal dams and reservoirs, protective withdrawals, military reservations, National Parks and Monuments, Wildlife Refuges, power projects, and public water reserves, classifications, rights-of-way, leases, and more, are also shown.

Historical Index (HI):

The HI is a chronological narrative of actions which affect the use of or title to public lands and resources. It can be used to check title, but it was not designed for that purpose. The primary value of the HI is its adaptability for abstract work. The HI is used in conjunction with the MTP.

Control Document Index (CDI):

The CDI contains copies of documents that have or still do affect the status of each township. These documents are on microfilm and are filed in township and range order. The CDI consists principally of patents, grants of land to the State of California withdrawals and deeds conveying land back to the United States.

Washington Office and California Tract Books:

The tract books maintained in the CASO Public Room are very old records (maintained from 1853 to approximately 1970). These books were used before the Historical Index and contain the history of transactions involving public domain lands for California prior to 1970. These books are used when doing research on the history of mineral patents and other actions pertaining to a specific piece of land. Where the HI lists actions for an entire township, the tract books list transactions by sections within a township.

Serial Books and Serial Register Pages:

The BLM maintains an individual, chronological record of a public land transaction referred to as serial registers. Around 1908, each transaction was given a serial (or case) number and was hand written onto a page or pages in a serial register. Serial register pages are maintained in the CASO Public Room in the serial register books. Around 1982, entries into the books were discontinued and all transactions are now being entered into the computer. Inquiries made to the computer produce printed serial register pages and may be obtained from the CASO Public Room and other BLM offices in California.

Mineral Survey Plats and Field Notes

All approved mineral survey plats (maps) and the field notes have been filmed onto microfiche. The plats include approved mineral surveys of patented and unpatented mining claims. Copies are available for sale from the survey records counter in the CASO Public Room and the respective BLM District Offices.

Mineral Patent Records

When an application for a patent is received at the CASO, a case file is established and the case is assigned a case file number. All inquiries regarding this application henceforth must refer to this case file number or the actual patent number following approval of an application.

The case file is now maintained in the CASO dockets area and all correspondence and pertinent information relating to the patent application is filed in this case file. All patent application case files are available for viewing by members of the public.

Once the patent application has been approved and a patent has been issued, the case file is retained at the CASO dockets area for approximately three years. At the end of the three-year period, the patent file is transferred to the Federal Archives and Records Center in San Bruno, California. If this file needs to be reviewed it may be ordered from the records center by a member of the CASO Public Room staff.

A copy of the final patent is microfilmed and filed in the Public Room for future reference and viewing by members of the public.

Official Public Notices

Notices pertaining to changes on the public lands are prominently posted on the CASO Public Room bulletin board. Examples of these types of notices are mineral patent applications (Document D-5, page 83), opening land orders, land withdrawals, notice of realty actions, proposed and final regulations.

Mineral Application No. CACA 24571, California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825 JUL 07 1989

Notice is hereby given that Gold Fields Mining Corporation, a Delaware corporation authorized to transact business in California as GFMC EXPLORATION - CALIFORNIA, INC., whose address is 200 Union Boulevard, Suite 500, Lakewood, Colorado 80228 has made application for patent to the GOLD HILL 1 lode mining claim, Mineral Survey No. 6933, Secs. 5 and 8, T. 13 S., R. 19 E., SBM, in the Mesquite Mining District, Imperial County, California described as follows: Beginning at Cor. No. 1, GOLD HILL 1, from which the 1/4 cor. of secs. 8 and 9, T. 13 S., R. 19 E., SBM, bears S. 39° 27' 24" E., 3564.91 ft.; thence S. 24° 53' E., 1482.66 ft. to Cor. No. 2 of said lode; thence S. 66° 39' W., 600.22 ft. to Cor. No. 3 of said lode; thence N. 24° 50' W., 1482.67 ft. to Cor. No. 4 of said lode; thence N. 66° 39' E., 599.14 ft. to Cor. No. 1 of said lode and place of beginning. The location notice and amendments thereto are recorded in Book 152, pg. 482; Book 202, pg. 480 and Book 1492, pgs. 1223 and 1224 in the Official Records of Imperial County, California. The conflicting and adjoining claims as shown on the plat of survey are the Golden Annex A, D and 6 lode mining claims of MS No. 6900 and MILS 107 and 108 mill sites of MS No. 6923. Rose M. Fairbanks, Chief, Locatable Minerals Section, Branch of Adjudication and Records.

FIRST PUBLICATION: July 19, 1989

LAST PUBLICATION: September 13, 1989

Published in the designated newspaper, The Brawley News, Brawley, California.

Document D-5. Public annoucement for mineral patent application CACA 24571.

SELECTED REFERENCES

American Law of Mining (2nd. ed., 5 vols), 1985; Rocky Mountains Mineral Law Foundation; Matthew Bender, N.Y. and San Francisco.

California Reporter (Cal. Rptr.), contains state appellate court opinions from 1959 to present; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.

Code of Federal Regulations (CFR), Title 43 (3 vols.), contains regulations regarding the Public Lands; published annually and updated to October 1; U.S. Government Printing Office.

Evans, J.R., Waiwood, R.M, and Reid, R.E., October 1986; Procedures for determining discovery on small gold mining claims in California; California Geology, vol. 39, No. 10, p. 219-228.

Evans, J.R., November 14, 1988; Mineral patent determination for the Cherokee gold deposit underlying the Cherokee 1 and 6, Bu Bu 2 and 3, and The Biscuit Shooter 1 through 3 lode mining claims of Gold Fields Mining Corporation, Mesquite mine, Imperial County, California; BLM Mineral Report, 73 p., and 23 attachments.

Evans, J.R., Milne, P., and Leverette M., May 20, 1989; Common variety determination for the Rheoforce Pumicite deposits, Last Chance Canyon area, El Paso Mountains, Kern County, California; BLM Mineral Report, 53 p., and 22 attachments.

Evans, J.R., Fairbanks, R.M., Gauthier-Warinner, B., Lyttge, H.J., Reid, R.E., and Weitzel, L.A., August 1989; Discovery, Location, Recordation, and Assessment work for mining claims and sites in California; BLM Special Publication, 2nd revised edition, 56 p.

Federal Reporter (F., F.2d), contains written opinions of Federal intermediate appellate courts; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.

Interior Board of Land Appeals (IBLA), contains decisions issued on a case-by-case basis; issued periodically by the IBLA.

Manual of Instructions for the Survey of the Public Lands of the United States, 1973; Bureau of Land Management Technical Bulletin 6, 333 p.

Mining Law From Location to Patent (w/cumulative supplements) 1985; Terry S. Maley; Mineral Land Publications, Boise, Idaho.

Mineral Survey Procedures Guide, 1980; Bureau of Land Management Special Publication, 80 p.

Pacific Reporter (P., P.2d), a multi-state reporter of state appellate court opinions from 1853 to present; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.

Supreme Court Reporter (S. Ct.), contains all Supreme Court written opinions since 1882; updated by advance sheets and published in book form periodically; West Pub. Co., St. Paul, Minn.

United States Code (U.S.C.), contains current Federal legislation; published every 6 years, but with annual cumulative supplements; U.S. Government Printing Office.

United States Code Annotated (U.S.C.A.), contains same data as U.S.C., but has many special features; updated 3 times a year with an annual cumulative supplement; West Pub. Co., St. Paul, Minn.

ATTACHMENT 1

43 CFR PART 3860 - MINERAL PATENT APPLICATIONS AND
PART 3870 - ADVERSE CLAIMS, PROTESTS AND CONFLICTS (10-1-90 Edition)

§ 3852.5 When deferred assessment work is to be done.

All deferred assessment work may be begun at any time after the termination of the deferment but must be completed not later than the end of the assessment year commencing after the removal or cessation of the causes for the deferment or the expiration of any deferments granted under the act and shall be in addition to the annual assessment work required by law for such year.

PART 3860—MINERAL PATENT APPLICATIONS

Subpart 3861—Surveys and Plats

Sec.
3861.1 Surveys of mining claims.
3861.1-1 Application for survey.
3861.1-2 Survey must be made subsequent to recording notice of location.
3861.1-3 Plats and field notes of mineral surveys.
3861.2 Surveys: Specific.
3861.2-1 Particulars to be observed in mineral surveys.
3861.2-2 Certificate of expenditures and improvements.
3861.2-3 Mineral surveyor's report of expenditures and improvements.
3861.2-4 Supplemental proof of expenditures and improvements.
3861.2-5 Amended mineral surveys.
3861.3 Mineral surveyors.
3861.3-1 Extent of duties.
3861.3-2 Assistants.
3861.4 Contract for surveys.
3861.4-1 Payment.
3861.5 Appointment and employment of mineral surveyors.
3861.5-1 Appointment.
3861.5-2 Employment.
3861.6 Plats and notices.
3861.6-1 Payment of charges of the public survey office.
3861.7 Posting.
3861.7-1 Plat and notice to be posted on claim.
3861.7-2 Proof of posting on the claim.

Sec.

Subpart 3862—Lode Mining Claim Patent Applications

3862.1 Lode claim patent applications: General.
3862.1-1 Application for patent.
3862.1-2 Service charge.
3862.1-3 Evidence of title.
3862.1-4 Evidence relating to destroyed or lost records.
3862.1-5 Statement required that land is unreserved, unoccupied, unimproved, and unappropriated.
3862.2 Citizenship.
3862.2-1 Citizenship of corporations and of associations acting through agents.
3862.2-2 Citizenship of individuals.
3862.2-3 Trustee to disclose nature of trust.
3862.3 Possessory rights.
3862.3-1 Right by occupancy.
3862.3-2 Certificate of court required.
3862.3-3 Corroborative proof required.
3862.4 Publication of notice.
3862.4-1 Newspaper publication.
3862.4-2 Contents of published notice.
3862.4-3 Authorized officer to designate newspaper.
3862.4-4 Charges for publication.
3862.4-5 Proof by applicant of publication and posting.
3862.4-6 Payment of purchase price and statement of charges and fees.
3862.5 Entry and transfers.
3862.5-1 Allowance of entry; transfers subsequent to application not recognized.
3862.6 Diligent prosecution.
3862.6-1 Failure to prosecute application with diligence.
3862.7 Application processing upon contest or protest.
3862.7-1 Resumption of patent proceedings after suspension due to adverse claim or protest.
3862.8 Patents for mining claims.
3862.8-1 Land descriptions in patents.

Subpart 3863—Placer Mining Claim Patent Applications

3863.1 Placer mining claim patent applications: General.
3863.1-1 Application for patent.
3863.1-2 Proof of improvements for patent.
3863.1-3 Data to be filed in support of application.
3863.1-4 Applications for placers containing known lodes.

Subpart 3864—Millsite Patents

3864.1 Millsite patents: General.
3864.1-1 Application for patent.
3864.1-2 Millsites applied for in conjunction with a lode claim.

Sec.
3864.1-3 Millsites for quartz mills or reduction works.
3864.1-4 Proof of nonmineral character.

AUTHORITY: 30 U.S.C. 22 *et seq.*

Subpart 3861—Surveys and Plats

SOURCE: 35 FR 9754, June 13, 1970, unless otherwise noted.

§ 3861.1 Surveys of mining claims.

§ 3861.1-1 Application for survey.

The claimant is required, in the first place, to have a correct survey of his claim made under authority of the proper cadastral engineer, such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. He is required to have a correct survey where patent is applied for and where the mining claim is in vein or lode formation, or covers lands not surveyed in accordance with the U.S. system of rectangular surveys, or where the mining claim fails to conform with the legal subdivisions of the federal surveys. Application for authorization of survey should be made to the appropriate land office (see § 1821.2-1 of this chapter).

[Circ. 2220, 31 FR 16785, Dec. 31, 1966]

§ 3861.1-2 Survey must be made subsequent to recording notice of location.

The survey and plat of mineral claims required to be filed in the proper office with application for patent must be made subsequent to the recording of the location of the claim (if the laws of the State or the regulations of the mining district require the notice of location to be recorded), and when the original location is made by survey of a mineral surveyor such location survey cannot be substituted for that required by the statute, as above indicated. All matters relating to the duties of mineral surveyors, and to the field and office procedure to be observed in the execution of mineral surveys, are set forth in Chapter X of the Manual of Instructions for the Survey of the Public Lands of the United States, 1947.

§ 3861.1-3 Plats and field notes of mineral surveys.

When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

§ 3861.2 Surveys: Specific.

§ 3861.2-1 Particulars to be observed in mineral surveys.

(a) The following particulars should be observed in the survey of every mining claim:

(1) The exterior boundaries of the claim, the number of feet claimed along the vein, and, as nearly as can be ascertained, the direction of the vein, and the number of feet claimed on the vein in each direction from the point of discovery or other well-defined place on the claim should be represented on the plat of survey and in the field notes.

(2) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field notes and represented upon the plat.

(3) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(4) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres
Total area of claim	10.50
Area in conflict with survey No. 302	1.56
Area in conflict with survey No. 948	2.33
Area in conflict with Mountain Maid lode mining claim, unsurveyed	1.48

(b) It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys the area of conflict with prior surveys the area of conflict are to be excluded. The field notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. The application for patent should state the portions to be excluded in express terms.

§ 3861.2-2 Certificate of expenditures and improvements.

(a) The claimant at the time of filing the application for patent, or at any time within the 60 days of publication, is required to file with the authorized officer a certificate of the office cadastral engineer that not less than $500 worth of labor has been expended or improvements made, by the applicant or his grantors, upon each location embraced in the application, or if the application embraces several contiguous locations held in common, that an amount equal to $500 for each location has been so expended upon, and for the benefit of, the entire group; that the plat filed by the claimant is correct; that the field notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporation in a patent, serve to identify the premises fully, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the locus thereof.

(b) In case of a lode and mill-site claim in the same survey the expenditure of $500 must be shown upon the lode claim.

§ 3861.2-3 Mineral surveyor's report of expenditures and improvements.

(a) In the mineral surveyor's report of the value of the improvements all actual expenditures and mining improvements made by the claimant or his grantors, having a direct relation to the development of the claim, must be included in the estimate.

(b) The expenditures required may be made from the surface or in running a tunnel, drifts, or crosscuts for the development of the claim. Expenditures for drill holes for the purpose of prospecting and securing data upon which further development of a group of lode mining claims held in common may be based are available toward meeting the statutory provision requiring an expenditure of $500 as a basis for patent as to all of the claims of the group situated in close proximity to such common improvement. Improvements of any other character, such as buildings, machinery, or roadways, must be excluded from the estimate, unless it is shown clearly that they are associated with actual excavations, such as cuts, tunnels, shafts, etc., are essential to the practical development of and actually facilitate the extraction of mineral from the claim.

(c) Improvements made by a former locator who has abandoned his claim cannot be included in the estimate, but should be described and located in the notes and plat.

§ 3861.2-4 Supplemental proof of expenditures and improvements.

If the value of the labor and improvements upon a mineral claim is less than $500 at the time of survey the mineral surveyor may file with the cadastral engineer supplemental proof showing $500 expenditure made prior to the expiration of the period of publication.

§ 3861.2-5 Amended mineral surveys.

(a) Inasmuch as amended surveys are ordered only by special instructions from the Bureau of Land Management, and the conditions and circumstances peculiar to each separate case and the object sought by the required amendment, alone govern all special matters relative to the manner of making such survey and the form and subject matter to be embraced in the field notes thereof, but few general rules applicable to all cases can be laid down.

(b) The expense of amended surveys, including amendment of plat and field notes, and office work in the Bureau of Land Management office will be borne by the claimant.

(c) The amended survey must be made in strict conformity with, or be embraced within, the lines of the original survey. If the amended and original surveys are identical, that fact must be clearly and distinctly stated in the field notes. If not identical, a bearing and distance must be given from each established corner of the amended survey to the corresponding corner of the original survey. The lines of the original survey, as found upon the ground, must be laid down upon the preliminary plat in such manner as to contrast and show their relation to the lines of the amended survey.

§ 3861.3 Mineral surveyors.

§ 3861.3-1 Extent of duties.

The duty of a mineral surveyor in any particular case ceases when he has executed the survey and returned the field notes and preliminary plat, with his report, to the cadastral engineer. He will not be allowed to prepare for the mining claimant the papers in support of his application for patent. He is not permitted to combine the duties of surveyor and notary public in the same case by administering oaths. It is preferable that both preliminary and final oaths of assistants should be taken before some officer duly authorized to administer oaths, other than the mineral surveyor. In cases, however, where great delay, expense, or inconvenience would result from a strict compliance with this section, the mineral surveyor is authorized to administer the necessary oaths to his assistants, but in each case where this is done, he will submit to the proper cadastral engineer a full written report of the circumstances which required his stated action; otherwise he must have absolutely nothing to do with the case, except in his official capacity as surveyor. He will not employ field assistants interested therein in any manner.

§ 3861.3-2 Assistants.

The employing of claimants, their attorneys, or parties in interest, as assistants in making surveys of mineral claims will not be allowed.

§ 3861.4 Contract for surveys.

§ 3861.4-1 Payment.

(a) The claimant is required, in all cases, to make satisfactory arrangements with the surveyor for the payment for his services and those of his assistants in making the survey, as the United States will not be held responsible for the same.

(b) The state director has no jurisdiction to settle differences relative to the payment of charges for field work, between mineral surveyors and claimants. These are matters of private contract and must be enforced in the ordinary manner, i.e., in the local courts. The Department has, however, authority to investigate charges affecting the official actions of mineral surveyors, and will, on sufficient cause shown, suspend or revoke their appointment.

§ 3861.5 Appointment and employment of mineral surveyors.

§ 3861.5-1 Appointment.

Pursuant to section 2334 of the Revised Statutes (30 U.S.C. 39), the Director or his delegate will appoint only a sufficient number of surveyors for the survey of mining claims to meet the demand for that class of work. Each appointee shall qualify as prescribed by the Director or his delegate. Applications for appointment as a mineral surveyor may be made at any office of the Bureau of Land Management listed in § 1821.2-1 of these regulations. A roster of appointed mineral surveyors will be available at these offices. Each appointee may execute mineral surveys in any State where mineral surveys are authorized.

[38 FR 30001, Oct. 31, 1973]

§ 3861.5-2 Employment.

A mineral claimant may employ any United States mineral surveyor qualified as indicated in paragraph (a) of this section to make the survey of his claim. All expenses of the survey of mining claims and the publication of the required notices of application for patent are to be borne by the mining claimants.

§ 3861.6 Plats and notices.

§ 3861.6-1 Payment of charges of the public survey office.

With regard to the platting of the claim and other office work in the Bureau of Land Management office, including the preparation of the copies of the plat and field notes to be furnished the claimant, that office will make an estimate of the cost thereof, which amount the claimant will deposit with it to be passed to the credit of the fund created by "Deposits by Individuals for Surveying Public Lands."

§ 3861.7 Posting.

§ 3861.7-1 Plat and notice to be posted on claim.

The claimant is required to post a copy of the plat of survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, the number of the survey, the mining district and county, and the names of adjoining and conflicting claims as shown by the plat of survey.

§ 3861.7-2 Proof of posting on the claim.

After posting the said plat and notice upon the premises the claimant will file with the proper manager two copies of such plat and the field notes of survey of the claim, accompanied by two copies of the statement of at least two credible witnesses that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting, and two copies of the notice so posted to be attached to and form a part of said statement.

Subpart 3862—Lode Mining Claim Patent Applications

Source: 35 FR 9756, June 13, 1970, unless otherwise noted.

§ 3862.1 Lode claim patent applications: General.

§ 3862.1-1 Application for patent.

(a) At the time the proof of posting is filed the claimant must file in duplicate an application for patent showing that he has the possessory right to the claim, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations, and customs of the mining district or State in which the claim lies, and with the mining laws of Congress, such statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent. The application should contain a full description of the kind and character of the vein or lode and should state whether ore has been extracted therefrom; and if so, in what amount and of what value. It should also show the precise place within the limits of each of the locations embraced in the application where the vein or lode has been exposed or discovered and the width thereof. The showing in these regards should contain sufficient data to enable representatives of the Government to confirm the same by examination in the field and also enable the Bureau of Land Management to determine whether a valuable deposit of mineral actually exists within the limits of each of the locations embraced in the application.

(b) Every application for patent, based on a mining claim located after August 1, 1946, shall state whether the claimant has or has not had any direct or indirect part in the development of the atomic bomb project. The application must set forth in detail the exact nature of the claimant's participation in the project, and must also state whether as a result of such participation he acquired any confidential, official information as to the existence of deposits of uranium, thorium, or other fissionable source materials in the lands covered by his application.

(c) In applying for patent to a mining claim embracing land lying partly within one proper office and partly within another, a full set of papers must be filed in each office, except that one abstract of title and one proof of patent expenditures will be sufficient. Only one newspaper publication and one posting on the claim will be required, but proof thereof must be filed in both offices, the statements as to posting plat and notice on the claim to be signed within the respective land districts, as well, also, as all of the other statements required in mineral patent proceedings, except such as, under the law, may be signed outside of the land district wherein the land applied for is situated. Publication, payment of fees, and the purchase price of the land will be further governed by the provisions of §§ 1823.4(a) and 1861.2 of this chapter.

§ 3862.1-2 Service charge.

Each Mineral Patent Application shall be accompanied by a nonrefundable service charge of $250 per application and the initial mining claim or site plus $50 for each additional mining claim or site contained within the application.

[54 FR 48882, Dec. 2, 1988]

§ 3862.1-3 Evidence of title.

(a) Each patent application must be supported by either a certificate of title or an abstract of title certified to by the legal custodian of the records of locations and transfers of mining claims or by an abstracter of titles. The certificate of title or certificate to an abstract of title must be by a person, association, or corporation authorized by the State laws to execute such a certificate and acceptable to the Bureau of Land Management.

(b) A certificate of title must conform substantially to a form approved by the Director.

(c) Each certificate of title or abstract of title must be accompanied by single copies of the certificate or notice of the original location of each claim, and of the certificates of amended or supplemental locations thereof, certified to by the legal custodian of the record of mining locations.

(d) A certificate to an abstract of title must state that the abstract is a full, true, and complete abstract of the location certificates or notices, and all amendments thereof, and of all deeds, instruments, or actions appearing of record purporting to convey or to affect the title to each claim.

(e) The application for patent will be received and filed if the certificate of title or an abstract is brought down to a day reasonably near the date of the presentation of the application and shows full title in the applicant, who must as soon as practicable thereafter file a supplemental certificate of title or an abstract brought down so as to include the date of the filing of the application.

§ 3862.1-4 Evidence relating to destroyed or lost records.

In the event of the mining records in any case having been destroyed by fire or otherwise lost, a statement of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the statement of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession and tend to establish his claim, should be filed.

§ 3862.1-5 Statement required that land is unreserved, unoccupied, unimproved, and unappropriated.

Each person making application for patent under the mining laws, for lands in Alaska, must furnish a duly corroborated statement showing that no portion of the land applied for is occupied or reserved by the United States, so as to prevent its acquisition under said laws; that the land is not occupied or claimed by natives of Alaska; and that the land is unoccupied, unimproved and unappropriated by any person claiming the same other than the applicant.

§ 3862.2 Citizenship.

§ 3862.2-1 Citizenship of corporations and of associations acting through agents.

The proof necessary to establish the citizenship of applicants for mining patents must be made in the following manner: In case of an incorporated company, a certified copy of its charter or certificate of incorporation must be filed. In case of an association of persons unincorporated, the statement of their duly authorized agent, made upon his own knowledge or upon information and belief, setting forth the residence of each person forming such association, must be submitted. This statement must be accompanied by a power of attorney from the parties forming such association, authorizing the person who makes the citizenship showing to act for them in the matter of their application of patent.

§ 3862.2-2 Citizenship of individuals.

(a) In case of an individual or an association of individuals who do not appear by their duly authorized agent, the statement of each applicant, showing whether he is a native or naturalized citizen, when and where born, and his residence, will be required.

(b) In case an applicant has declared his intention to become a citizen or has been naturalized, his statement must show the date, place, and the court before which he declared his intention, or from which his certificate of citizenship issued, and present residence.

§ 3862.2-3 Trustee to disclose nature of trust.

Any party applying for patent as trustee must disclose fully the nature of the trust and the name of the cestui que trust; and such trustee, as well as the beneficiaries, must furnish satisfactory proof of citizenship; and the names of beneficiaries, as well as that of the trustee, must be inserted in the final certificate of entry.

§ 3862.3 Possessory rights.

§ 3862.3-1 Right by occupancy.

(a) The provisions of R.S. 2332 (30 U.S.C. 38), greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases, have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

(b) When an applicant desires to make his proof of possessory right in accordance with this provision of law, he will not be required to produce evidence of location, copies of conveyances, or abstracts of title, as in other cases, but will be required to furnish a duly certified copy of the statute of limitation of mining claims for the State, together with his statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by his application; the area thereof; the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the claimant's knowledge having a direct bearing upon his possession and bona fides which he may desire to submit in support of his claim.

§ 3862.3-2 Certificate of court required.

There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining claims in the State as aforesaid other than that which has been finally decided in favor of the claimant.

§ 3862.3-3 Corroborative proof required.

The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corroborative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.

§ 3862.4 Publication of notice.

§ 3862.4-1 Newspaper publication.

Upon the receipt of applications for mineral patent and accompanying papers, if no reason appears for rejecting the application, the authorized officer will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of 60 days in a newspaper published nearest to the claim. If the notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks; if weekly, in nine consecutive issues; if semiweekly or triweekly, in the issue of the same day of each week for nine consecutive weeks. In all cases the first day of issues shall be excluded in estimating the period of 60 days.

[35 FR 9756, June 13, 1970, as amended at 41 FR 21642, May 27, 1976]

§ 3862.4-2 Contents of published notice.

The notices published as required by the preceding section must embrace all the data given in the notice posted upon the claim. In addition to such data the published notice must further indicate the locus of the claim by giving the connecting line, as shown by the field notes and plat, between a corner of the claim and a United States mineral monument or a corner of the public survey, and thence the boundaries of the claim by courses and distances.

§ 3862.4-3 Authorized officer to designate newspaper.

The authorized officer shall have the notice of application for patent published in a paper of established character and general circulation, to be by him designated as being the newspaper published nearest the land.

§ 3862.4-4 Charges for publication.

(a) The charge for the publication of notice of application for patent in a mining case in all districts shall not exceed the legal rates allowed by the laws of the several States for the publication of legal notices wherein the notice is published.

(b) It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and on the other hand that they shall not be of unnecessary length. The printed matter must be set solid without paragraphing or any display in the heading and shall be in the usual body type used in legal notices. If other type is used, no allowance will be made for additional space on that account. The number of solid lines only used in advertising by actual count will be allowed. All abbreviations and copy must be strictly followed. The following is a sample of advertisement set up in accordance with Government requirements and contains all the essential data necessary for publication:

M. A. No. 04421. U. S. Land Office, Elko, Nevada, October 5, 1921. Notice is hereby given that the Jarbidge Buhl Mining Company by W. H. Hudson, attorney in fact, of Jarbidge, Nevada, has made application for patent to the Altitude, Altitude No. 1, Altitude No. 3, and Altitude Annex, lode mining claims, Survey No. 4470, in unsurveyed T. 46 N., R. 58 E., M. D. B. and M., in the Jarbidge mining district, Elko County, Nevada, described as follows: Beginning at corner No. 1, Altitude No. 3, whence the quarter corner of the south boundary of sec. 34 T. 46 N., R. 58 E., M. D. B. and M., bears south 41°54′ west 7285.63 feet, thence north 20°14′ west 1500 feet to corner No. 2 of said lode; thence north 69°46′ east 569 feet to corner No. 3 of said lode; thence south 20°14′ east 417.5 feet to corner 2, Altitude No. 1; thence north 69°46′ east 1606.1 feet to corner No. 3, Altitude lode; thence south 20°14′ east 1500 feet, to corner No. 4 of said lode; thence south 69°46′ west 1606.1 feet, to corner No. 1, Altitude No. 1 lode; thence North 20°14′ west 417.5 feet to corner No. 4, Altitude No. 3; thence south 69°46′ west 569 feet to point of beginning. There are no adjoining or conflicting claims. The location notices are recorded in Book 17, pages 373 and 374, and in Book 15, pages 52 and 53, mining locations, Elko County, Nevada. John E. Robbins, Manager.

(c) For the publication of citations in contests or hearings, involving the character of lands, the charges may not exceed the rates provided for similar notices by the law of the State.

§ 3862.4-5 Proof by applicant of publication and posting.

After the 60-day period of newspaper publication has expired, the claimant will furnish from the office of publication a sworn statement that the notice was published for the statutory period, giving the first and last day of such publication, and his own statement showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said 60-day publication, giving the dates.

§ 3862.4-6 Payment of purchase price and statement of charges and fees.

Upon the filing of the statement required by the preceding section, the authorized officer will, if no adverse claim was filed in his office during the period of publication, and no other objection appears, permit the claimant

to pay for the land to which he is entitled at the rate of $5 for each acre and $5 for each fractional part of an acre, except as otherwise provided by law, issuing the usual receipt therefor. The claimant will also make a statement of all charges and fees paid by him for publication and surveys, together with all fees and money paid the authorized officer of the proper office, and a patent shall be issued thereon if found regular.

§ 3862.5 Entry and transfers.

§ 3862.5-1 Allowance of entry; transfers subsequent to application not recognized.

No entry will be allowed until the authorized officer has satisfied himself, by careful examination, that proper proofs have been filed upon the points indicated in the law and official regulations. Transfers made subsequent to the filing of the application for patent will not be considered, but entry will be allowed and patent issued in all cases in the name of the applicant for patent, the title conveyed by the patent, of course, in each instance inuring to the transferee of such applicant where a transfer has been made pending the application for patent.

§ 3862.6 Diligent prosecution.

§ 3862.6-1 Failure to prosecute application with diligence.

The failure of an applicant for patent to a mining claim to prosecute his application to completion, by filing the necessary proofs and making payment for the land, within a reasonable time after the expiration of the period of publication of notice of the application, or after the termination of adverse proceedings in the courts, constitutes a waiver by the applicant of all rights obtained by the earlier proceedings upon the application.

§ 3862.7 Application processing upon contest or protest.

§ 3862.7-1 Resumption of patent proceedings after suspension due to adverse claim or protest.

The proceedings necessary to the completion of an application for patent to a mining claim, against which an adverse claim or protest has been filed, if taken by the applicant at the first opportunity afforded therefor under the law and departmental practice, will be as effective as if taken at the date when, but for the adverse claim or protest, the proceedings on the application could have been completed.

§ 3862.8 Patents for mining claims.

§ 3862.8-1 Land descriptions in patents.

The land description in a patent for a lode mining claim, for a millsite, or for a placer claim not consisting of legal subdivisions, shall hereafter consist of the names and survey numbers of the claims being patented and those being excluded, or of the names of the excluded claims if they are unsurveyed, or of the legal subdivisions of excluded land covered by homestead or other nonmineral entry. The land description shall refer to the field notes of survey and the plat thereof for a more particular description and the patent shall expressly make them a part thereof. Where shown by the mineral entry the patent shall give the actual or approximate legal subdivision, section, township and range, the name of the county and of the mining district, if any, wherein the claims are situated. A copy of the plat and field notes of each mineral survey patented will be furnished to the patentee.

Subpart 3863—Placer Mining Claim Patent Applications

SOURCE: 35 FR 9758, June 13, 1970, unless otherwise noted.

§ 3863.1 Placer mining claim patent applications: General.

(a) The proceedings to obtain patents for placer claims, including all forms of mineral deposits excepting veins of quartz or other rock in place, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where a placer claim shall be upon surveyed lands, and conforms to legal subdivisions, no further survey or plat will be required. Where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands.

(b) The price of placer claims is fixed at $2.50 per acre or fractional part of an acre.

§ 3863.1-1 **Application for patent.**

§ 3863.1-2 **Proof of improvements for patent.**

The proof of improvements must show their value to be not less than $500 and that they were made by the applicant for patent or his grantors. This proof should consist of the statement of two or more disinterested witnesses.

§ 3863.1-3 **Data to be filed in support of application.**

(a) In placer applications, in addition to the recitals necessary in and to both vein or lode and placer applications, the placer application should contain, in detail, such data as will support the claim that the land applied for is placer ground containing valuable mineral deposits not in vein or lode formation and that title is sought not to control water courses or to obtain valuable timber but in good faith because of the mineral therein. This statement, of course, must depend upon the character of the deposit and the natural features of the ground, but the following details should be covered as fully as possible: If the claim be for a deposit of placer gold, there must be stated the yield per pan, or cubic yard, as shown by prospecting and development work, distance to bedrock, formation and extent of the deposit, and all other facts upon which he bases his allegation that the claim is valuable for its deposits of placer gold. If it be a building stone or other deposit than gold claimed under the placer laws, he must describe fully the kind, nature, and extent of the deposit, stating the reasons why same is by him regarded as a valuable mineral claim. He will also be required to describe fully the natural features of the claim; streams, if any, must be fully described as to their course, amount of water carried, fall within the claim; and he must state kind and amount of timber and other vegetation thereon and adaptability to mining or other uses.

(b) If the claim be all placer ground, that fact must be stated in the application and corroborated by accompanying proofs; if of mixed placers and lodes, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by R.S. 2333 (30 U.S.C. 37) must be furnished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

(c) While these data are required as a part of the mineral surveyor's report in case of placers taken by special survey, it is proper that the application for patent incorporate these facts.

(d) Inasmuch as in case of claims taken by legal subdivisions, no report by a mineral surveyor is required, the claimant, in his application in addition to the data above required, should describe in detail the shafts, cuts, tunnels, or other workings claimed as improvements, giving their dimensions, value, and the course and distance thereof to the nearest corner of the public surveys.

(e) The statement as to the description and value of the improvements must be corroborated by the statements of two disinterested witnesses. The proof showing must be made in duplicate. See 51 L.D. 265 and 52 L.D. 190.

(f) Applications awaiting entry, whether published or not, must be made to conform to this part, with respect to proof as to the character of the land. Entries already made will be suspended for such additional proofs as may be deemed necessary in each case.

§ 3863.1-4 **Applications for placers containing known lodes.**

Applicants for patent to a placer claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement. If veins or lodes lying within placer locations are owned by other parties, the fact should be distinctly stated in the application for patent and in all the notices. But in all cases whether the lode is claimed or excluded, it must be surveyed and marked upon the plat, the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. An application which omits to claim such known vein or lode must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein, the fact must appear by the statement of two or more witnesses.

Subpart 3864—Millsite Patents

SOURCE: 35 FR 9758, June 13, 1970, unless otherwise noted.

§ 3864.1 **Millsite patents: General.**

§ 3864.1-1 **Application for patent.**

(a) Land entered as a millsite must be shown to be nonmineral. Millsites are simply auxiliary to the working of mineral claims. R.S. 2337 (30 U.S.C. 42) provides for the patenting of millsites.

(b) To avail themselves of this provision of law, parties holding the possessory right to a vein or lode claim, and to a piece of nonmineral land not contiguous thereto for mining or milling purposes, not exceeding the quantity allowed for such purpose by R.S. 2337, or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper office their application for a patent, which application, together with the plat and field notes, may include, embrace, and describe, in addition to the vein or lode claim, such noncontiguous millsite, and after due proceedings as to notice, etc., a patent will be issued conveying the same as one claim. The owner of a patented lode may, by an independent application, secure a millsite, if good faith is manifest in its use or occupation in connection with the lode and no adverse claim exists.

(c) The Act of March 18, 1960 (74 Stat. 7; 43 U.S.C. 42(b)), amends R.S. 2337 to allow the holders of possessory right in a placer claim to hold nonmineral land for mining, milling, processing beneficiation, or other operations in connection with the placer claim. Applications for patent for such millsites are subject to the same requirements as to survey and notice as one applicable to placer mining claims. No one millsite may exceed five acres and payment will be $2.50 per acre or fraction thereof.

§ 3864.1-2 **Millsites applied for in conjunction with a lode claim.**

Where the original survey includes a lode claim and also a millsite the lode claim should be described in the plat and field notes as "Sur. No. 37, A," and the millsite as "Sur. No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the millsite to a corner of the lode claim to be invariably given in such plat and field notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the millsite as well as upon the vein or lode claim for the statutory period of 60 days. In making the entry no separate receipt or certificate need be issued for the millsite, but the whole area of both lode and millsite will be embraced in one entry, the price being $5 for each acre and fractional part of an acre embraced by such lode and millsite claim.

§ 3864.1-3 **Millsites for quartz mills or reduction works.**

In case the owner of a quartz mill or reduction works is not the owner or claimant of a vein or lode claim the law permits him to make application therefor in the same manner prescribed for mining claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his millsite at the price named in the preceding section.

§ 3864.1-4 **Proof of nonmineral character.**

In every case there must be satisfactory proof that the land claimed as a millsite is not mineral in character, which proof may, where the matter is unquestioned, consist of the statement of two or more persons capable, from acquaintance with the land to testify understandingly.

PART 3870—ADVERSE CLAIMS, PROTESTS AND CONFLICTS

Subpart 3871—Adverse Claims

Sec.
3871.1 Filing of claim.
3871.2 Statement of claim.
3871.3 Action by authorized officer.
3871.4 Patent proceedings stayed when adverse claim is filed; exception.
3871.5 Termination of adverse suit.
3871.6 Certificate required when no suit commenced.

Subpart 3872—Protests, Contests and Conflicts

3872.1 Protest against mineral applications.
3872.2 Procedure in contest cases.
3872.3 Presumption as to land returned as mineral.
3872.4 Procedure to dispute record character of land.
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Subpart 3873—Segregation

3873.1 Segregation of mineral from nonmineral land.
3873.2 Effect of decision that land is mineral.
3873.3 Non-mineral entry of residue of subdivisions invaded by mining claims.

Subpart 3871—Adverse Claims

SOURCE: 35 FR 9759, June 13, 1970, unless otherwise noted.

§ 3871.1 Filing of claim.

(a) An adverse claim must be filed with the authorized officer of the proper office where the application for patent is filed or with the manager of the district in which the land is situated at the time of filing the adverse claim. The claim may be filed by the adverse claimant, or by his duly authorized agent or attorney in fact cognizant of the facts stated.

(b) Where an agent or attorney in fact files the adverse claim he must furnish proof that he is such agent or attorney.

(c) The agent or attorney in fact must sign the statement of the adverse claim within the land district where the claim is situated, stating that it was so signed.

(d) A fee of $10 is payable by an adverse claimant at the time of filing his adverse claim. This charge is not refundable.

§ 3871.2 Statement of claim.

(a) The adverse claim must fully set forth the nature and extent of the interference or conflict; whether the adverse party claims as a purchaser for valuable consideration or as a locator. If the former, a certified copy of the original location, the original conveyance, a duly certified copy thereof, or an abstract of title from the office of the proper recorder should be furnished, or if the transaction was a merely verbal one he will narrate the circumstances attending the purchase, the date thereof, and the amount paid, which facts should be supported by the statement of one or more witnesses, if any were present at the time, and if he claims as a locator he must file a duly certified copy of the location from the office of the proper recorder.

(b) In order that the "boundaries" and "extent" of the claim may be shown, it will be incumbent upon the adverse claimant to file a plat showing his entire claim, its relative situation or position with the one against which he claims, and the extent of the conflict: *Provided, however,* That if the application for patent describes the claim by legal subdivisions, the adverse claimant, if also claiming by legal subdivisions, may describe his adverse claim in the same manner without further survey or plat. If the claim is not described by legal subdivisions it will generally be more satisfactory if the plat thereof is made from an actual survey by a mineral surveyor and its correctness officially certified thereon by him.

§ 3871.3 Action by authorized officer.

(a) Upon the adverse claim being filed within the 60-day period of publication, the authorized officer will immediately give notice in writing to the parties that such adverse claim has been filed, informing them that the party who filed the adverse claim will be required within 30 days from the date of such filing to commence proceedings in a court of competent jurisdiction to determine the question of right of possession, and to prosecute the same with reasonable diligence to final judgment, and that should such adverse claimant fail to do so, his adverse claim will be considered waived and the application for patent be allowed to proceed upon its merits.

(b) The Act of September 21, 1961 (Pub. L. 87-260; 75 Stat. 541), amends the Act of June 7, 1910 (36 Stat. 459; 48 U.S.C. 386), and provides that adverse suits against mineral entries in Alaska shall be instituted within the 60-day time limit set forth in R.S. 2325 and 2326, (30 U.S.C. 29, 30). The act further provides that where a mineral patent application was filed prior to the effective date of the act, the time in which to file adverse suits is governed by the Act of June 7, 1910. Where a mineral patent application was filed prior to September 21, 1961, the entry will not be allowed until after the expiration of eight months following the publication period.

§ 3871.4 Patent proceedings stayed when adverse claim is filed; exception.

When an adverse claim is filed as aforesaid, the authorized officer will endorse upon the same the precise date of filing and preserve a record of the date of notifications issued thereon; and thereafter all proceedings on the application for patent will be stayed with the exception of the completion of the publication and posting of notices and plat and the filing of the necessary proof thereof, until the controversy shall have been finally adjudicated in court or the adverse claim waiver or withdrawn.

§ 3871.5 Termination of adverse suit.

(a) Where an adverse claim has been filed and suit thereon commenced within the statutory period and final judgment rendered determining the right of possession, it will not be sufficient to file with the authorized officer a certificate of the clerk of the court setting forth the facts as to such judgment, but the successful party must, before he is allowed to make entry, file a certified copy of the judgment roll, together with the other evidence required by R.S. 2326 (30 U.S.C. 30), and a certificate of the clerk of the court under the seal of the court showing, in accord with the record facts of the case, that the judgment mentioned and described in the judgment roll aforesaid is a final judgment; that the time for appeal therefrom has, under the law, expired, and that no such appeal has been filed, or that the defeated party has waived his right to appeal. Other evidence showing such waiver or an abandonment of the litigation may be filed.

(b) Where such suit has been dismissed, a certificate of the clerk of the court to that effect or a certified copy of the order of dismissal will be sufficient.

(c) After an adverse claim has been filed and suit commenced, a relinquishment or other evidence of abandonment of the adverse claim will not be accepted, but the case must be terminated and proof thereof furnished as required by the last two paragraphs.

§ 3871.6 Certificate required when no suit commenced.

Where an adverse claim has been filed but no suit commenced against the applicant for patent within the statutory period, a certificate to that effect by the clerk of the State court having jurisdiction in the case, and also by the clerk of the district court of the United States for the district in which the claim is situated, will be required.

Subpart 3872—Protests, Contests and Conflicts

SOURCE: 35 FR 9760, June 13, 1970, unless otherwise noted.

§ 3872.1 Protest against mineral applications.

(a) At any time prior to the issuance of patent, protest may be filed against the patenting of the claim as applied for, upon any ground tending to show that the applicant has failed to comply with the law in any matter essential to a valid entry under the patent proceedings. Such protest cannot, however, be made the means of preserving a surface conflict lost by failure to adverse or lost by the judgment of the court in an adverse suit. One holding a present joint interest in a mineral location included in an application for patent who is excluded from the application, so that his interest would not be protected by the issue of patent thereon, may protest against the issuance of a patent as applied for, setting forth in such protest the nature and extent of his interest in such location, and such a protestant will be deemed a party in interest entitled to appeal. This results from the holding that a co-owner excluded from an application for patent does not have an "adverse" claim within the meaning of R.S. 2325 and 2326 (30 U.S.C. 29, 30). (See Turner v. Sawyer, 150 U.S. 578-586, 37 L. ed. 1189-1191.)

(b) Such protest filed by any party, other than a Federal agency, must be accompanied by a $10 nonrefundable service charge.

§ 3872.2 Procedure in contest cases.

Parts 1840 and 1850 of this chapter, in cases before the United States, the Bureau of Land Management, and the Department of the Interior will, so far as applicable, govern in all cases and proceedings arising in contests and hearings to determine the character of lands.

§ 3872.3 Presumption as to land returned as mineral.

Public land returned upon the survey records as mineral shall be withheld from entry as agricultural land until the presumption arising from such a return shall be overcome.

§ 3872.4 Procedure to dispute record character of land.

(a) When lands returned as mineral are sought to be entered as agricultural under laws which require the submission of final proof after due notice by publication and posting, the filing of the proper nonmineral statement in the absence of allegations that the land is mineral will be deemed sufficient as a preliminary requirement. A satisfactory showing as to character of land must be made when final proof is submitted.

(b) In case of application to enter, locate, or select such lands as agricultural, under laws in which the submission of final proof after due publication and posting is not required, notice thereof must first be given by publication for 60 days and posting in the local office during the same period, and affirmative proof as to the character of the land submitted. In the absence of allegations that the land is mineral, and upon compliance with this requirement, the entry location, or selection will be allowed, if otherwise regular.

(c) Where as against the claimed right to enter such lands as agricultural it is alleged that the same are mineral, or are applied for as mineral lands, the proceedings in this class of cases will be in the nature of a contest, and the practice will be governed by the rules in force in contest cases.

§ 3872.5 Testimony at hearings to determine character of lands.

(a) At hearings to determine the character of lands the claimants and witnesses will be thoroughly examined with regard to the character of the land; whether the same has been thoroughly prospected; whether or not there exists within the tract or tracts claimed any lode or vein of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposit which has ever been claimed, located, recorded, or worked; whether such work is entirely abandoned, or whether occasionally resumed; if such lode does exist, by whom claimed, under what designation, and in which subdivision of the land it lies; whether any placer mine or mines exist upon the land; if so, what is the character thereof, whether of the shallow-surface description, or of the deep cement, blue lead, or gravel deposits; to what extent mining is carried on when water can be obtained, and what the facilities are for obtaining water for mining purposes; upon what particular 10-acre subdivisions mining has been done, and at what time the land was abandoned for mining purposes, if abandoned at all. In every case, where practicable, an adequate quantity or number of representative samples of the alleged mineral-bearing matter or material should be offered in evidence, with proper identification, to be considered in connection with the record, with which they will be transmitted upon each appeal that may be taken. Testimony may be submitted as to the geological formation and development of mineral on adjoining or adjacent lands and their relevancy.

(b) The testimony should also show the agricultural capacities of the land, what kind of crops are raised thereon, the value thereof; the number of acres actually cultivated for crops of cereals or vegetables, and within which particular 10-acre subdivision such crops are raised; also which of these subdivisions embrace the improvements, giving in detail the extent and value of the improvements, such as house, barn, vineyard, orchard, fencing, etc., and mining improvements.

(c) The testimony should be as full and complete as possible; and in addition to the leading points indicated above, where an attempt is made to prove the mineral character of lands which have been entered under the agricultural laws, it should show at what date, if at all, valuable deposits of minerals were first known to exist on the lands.

Subpart 3873—Segregation

Source: 35 FR 9760, June 13, 1970, unless otherwise noted.

§ 3873.1 Segregation of mineral from non-mineral land.

Where a survey is necessary to set apart mineral from non-mineral land the appropriate authorized officer will have special instructions prepared outlining the procedure to be followed in the required survey. The survey will be executed at the expense of the United States. Where, in stock-raising homestead entries, it has been satisfactorily established that there are existent prior unpatented mining claims, the segregation of the latter is not strictly a segregation of mineral from non-mineral land, but rather the procedure adopted to define the boundaries of and provide a legal description for that part of the homestead entry which is not within the segregated mining claims.

§ 3873.2 Effect of decision that land is mineral.

The fact that a certain tract of land is decided upon testimony to the mineral in character is by no means equivalent to an award of the land to a miner. In order to secure a patent for such land, he must proceed as in other cases, in accordance with this part.

§ 3873.3 Non-mineral entry of residue of subdivisions invaded by mining claims.

(a) The authorized officer will accept and approve any application (if otherwise regular), to make a non-mineral entry of the residue of any original lot or legal subdivision which is invaded by mining claims if the tract has already been lotted to exclude such claims. If not so lotted, and if the original lot or legal subdivision is invaded by patented mining claims, or by mining claims covered by pending applications for patent which the non-mineral applicant does not desire to contest, or by approved mining claims of established mineral character, the authorized officer will accept and approve the application (if otherwise regular), exclusive of the conflict with the mining claims.

(b) The authorized officer will allow no non-mineral application for any portion of an original lot or 40-acre legal subdivision, where the tract has not been lotted to show the reduced area by reason of approved surveys of mining claims for which applications for patent have not been filed, until the non-mineral applicant submits a satisfactory showing that such surveyed claims are in fact mineral in character. Applications to have lands which are asserted to be mineral, or mining locations, segregated by survey with a view to the non-mineral appropriation of the remainder, will be made to the authorized officer of the proper office. Such applications must be supported by a written statement of the party in interest, duly corroborated by two or more disinterested persons, or by such other or further evidence as may be required, that the land sought to be segregated as mineral is in fact mineral in character.

ATTACHMENT 2. ROSTER OF U.S. MINERAL SURVEYORS, 1991

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ATTACHMENT 3. NEW FOREST SERVICE REGULATIONS REGARDING DISPOSAL OF MINERAL MATERIALS (36 CFR 228).

Note: The following regulations regarding common variety materials were issued on December 17, 1990. How these regulations are to be administered is not yet clear since the BLM has different administrative and technical paths than the Forest Service (see p. 3-5 of book text).

Federal Register / Vol. 55, No. 242 / Monday, December 17, 1990 / Rules and Regulations 51705-51706

PART 228—MINERALS

1. The authority citation for part 228 is revised to read as follows:

Authority: 30 Stat. 35 and 36. as amended (16 U.S.C. 478. 551); 41 Stat. 437. as amended. sec. 5102(d). 101 Stat. 1330–256 (30 U.S.C. 226); 61 Stat. 681. as amended (30 U.S.C. 601); 91 Stat. 914. as amended (30 U.S.C. 352); 69 Stat. 368. as amended (30 U.S.C. 611); and 94 Stat. 2400.

Subpart C—Disposal of Mineral Materials

2. Amend § 228.41 by adding new paragraphs (c). (d). and (e) to read as follows:

§ 228.41 Scope.

* * * * *

(c) *Mineral materials to which this subpart applies.* This subpart applies to mineral materials which consist of petrified wood and common varieties of sand, gravel, stone, pumice, pumicite, cinders, clay, and other similar materials. Such mineral materials include deposits which, although they have economic value, are used for agriculture, animal husbandry, building, abrasion, construction, landscaping, and similar uses. This subpart also applies to other materials which may not be minerals but are produced using mining methods, such as peat. The categories of these materials, including representative examples, are:

(1) *Agricultural supply and animal husbandry materials.* This category includes, but is not limited to, minerals and vegetative materials used as or for: Soil conditioners or amendments applied to physically alter soil properties such as direct applications to the soil of carbonate rocks, soil containing "trace elements" and peat; animal feed supplements; and other animal care products.

(2) *Building materials.* Except for minerals identified as *Uncommon Varieties*, this category includes, but is not limited to, minerals used as or for: Paint fillers or extenders; flagstone, ashlar, rubble, mortar, brick, tile, pipe, pottery, earthenware, stoneware, terrazzo, and other nonstructural components in floors, walls, roofs, fireplaces, and the like; and similar building uses.

(3) *Abrasive materials.* This category includes, but is not limited to, minerals used for: Filing; scouring; polishing; sanding; and sandblasting.

(4) *Construction materials.* This category includes, but is not limited to, minerals such as sand, gravel, clay, crushed rock and cinders used as or for fill; borrow; rip-rap; ballast (including all ballast for railroad use); road base; road surfacing; concrete aggregate; clay sealants; and similar construction uses.

(5) *Landscaping materials:* This category includes, but is not limited to minerals and peat used as or for: Chips, granules, sand, pebbles, scoria, cinders, cobbles, boulders, slabs, and other components in retaining walls, walkways, patios, yards, gardens, and the like; and similar landscaping uses.

(d) *Minerals not covered by this subpart.* Mineral materials do not include any mineral used in manufacturing, industrial processing, or chemical operations for which no other mineral can be substituted due to unique properties giving the particular mineral a distinct and special value; nor do they include block pumice which in nature occurs in pieces having one dimension of two inches or more which is valuable and used for some application that requires such dimensions. Disposal of minerals not covered by this subpart is subject to the terms of the United States Mining Laws, as amended (30 U.S.C. 22 *et seq.*), on those portions of the National Forest System where those laws apply. Such minerals may include:

(1) Mineral suitable and used as soil amendment because of a constituent element other than calcium or magnesium carbonate that chemically alters the soil;

(2) Limestone suitable and used, without substantial admixtures, for cement manufacture, metallurgy, production of quicklime, sugar refining, whiting, fillers, paper manufacture, and desulfurization of stack gases;

(3) Silica suitable and used for glass manufacture, production of metallic silicon, flux, and rock wool;

(4) Alumino-silicates or clays having exceptional qualities suitable and used for production of aluminum, ceramics, drilling mud, taconite binder, foundry castings, and other purposes for which common clays cannot be used;

(5) Gypsum suitable and used for wallboard, plaster, or cement.

(6) Block pumice which occurs in nature in pieces having one dimension of two inches or more and which is valuable and used for some application that requires such dimensions; and

(7) Stone recognized through marketing factors for its special and distinct properties of strength and durability making it suitable for structural support and used for that purpose.

(e) *Limitations on applicability.* (1) The provisions of paragraphs (c) and (d) of this section shall not apply to any mining claims for which a Mineral Entry Final Certificate was issued on or before January 16, 1991. Nor shall these provisions apply to any mining claim located on or before July 23, 1955, which has satisfied the marketability test for locatable minerals from on or before July 23, 1955, until the present date.

(2) A use which qualifies a mineral as an uncommon variety under paragraph (d) overrides classification of that mineral as a common variety under paragraph (c) of this section.

3. Amend § 228.42 by revising the definition of mineral materials to read as follows:

§ 228.42 Definitions.

* * * * *

Mineral materials. A collective term used throughout this subpart to describe petrified wood and common varieties of sand, gravel, stone, pumice, pumicite, cinders, clay, and other similar materials. Common varieties do not include deposits of those materials which are valuable because of some property giving them distinct and special value, nor do they include "so-called 'block pumice' " which occurs in nature in pieces having one dimension of two inches or more and which is valuable and used for some application that requires such dimensions.

4. Amend § 228.43 by adding new paragraphs (e) and (f) to read as follows:

§ 228.43 Policy governing disposal.

* * * * *

(e) *Decisions.* All decisions as to whether or not to grant disposals proposed under this subpart shall be

ATTACHMENT 3. NEW FOREST SERVICE REGULATIONS REGARDING DISPOSAL OF MINERAL MATERIALS (36 CFR 228).

Note: The following regulations regarding common variety materials were issued on December 17, 1990. How these regulations are to be administered is not yet clear since the BLM has different administrative and technical paths than the Forest Service (see p. 3-5 of book text).

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made in writing by the authorized officer. Such decisions must specify their factual and legal basis.

(f) *Option for mining claimants.* All mining claimants holding mining claims which are located for a mineral classified in accordance with this subpart as a mineral material have the option of maintaining that the mineral is locatable and filing for patent. All mining claimants holding mining claims located in good faith on or before January 16, 1991, for a mineral classified in accordance with this subpart as a mineral material may accept the classification and, if appropriate, receive a sale by negotiated contract for that mineral material under 36 CFR 228.57(b)(2) of this subpart.

5. Revise § 228.67 to read as follows:

§ 228.67 Information collection requirements.

(a) The following sections of this subpart contain information collection requirements as defined in the Paperwork Reduction Act of 1980 (5 CFR part 1320): § 228.45, Qualifications of applicants; § 228.51, Bonding; § 228.52(b)(1), Requirements of assignee; § 228.53(b), Extension of time; § 228.56, Operating plans; § 228.57(c), Conduct of sales; § 228.60, Prospecting permits; § 228.61, Preference right negotiated sales; and § 228.62, Free use. These requirements have been approved by the Office of Management and Budget and assigned clearance number 0596-0081.

(b) The public reporting burden for this collection of information is estimated to vary from a few minutes to many hours per individual response, with an average of 2 hours per individual response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief (2800), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Dated: December 5, 1990.

Jack C. Parnell,

Deputy Secretary.

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